

Planning Regulatory Committee

Date: **Friday 27 March 2015**

Time: **10am**

Venue: **Edwards Room, County Hall, Norwich**

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

Membership

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 J Law
Mr B Long

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

Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of any individual not to be recorded or filmed must be appropriately respected.

**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 Community and Environmental Services Department, County Hall, Martineau Lane, Norwich.

A g e n d a

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

- 2 **Minutes:**

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To receive and agree the Minutes of the meeting held on 20 February 2015.

- 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**

Applications referred to the Committee for Determination

Reports by the Executive Director of Community and Environmental Services

- 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**

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- 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, Fairfield, Thetford. Norfolk. IP24 1JW. Director of Children's Services** (Page 48)

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

Date Agenda Published: 19 March 2015



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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 20 February 2015
at 10am in the Edwards Room, County Hall**

Present:

Mr D Collis (Chairman)

Mr S Agnew
Mr B Bremner
Mr C Foulger
Mr A Grey (Vice-Chairman)
Mr B Long
Ms E Morgan
Mr W Northam

Mr W Richmond
Mr M Sands
Mr E Seward
Mr M Storey
Mr J Ward
Mr B Watkins
Mr A White

In attendance:

Mr R Cox	Principal Planner
Mr S Bell	NPLaw
Mr N Campbell	Principal Planner
Mr J Hanner	Highways Authority
Mr A Harriss	Senior Planner
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 M Baker; Mr S Askew (Mr W Richmond substituted) and Mr J Law.

2 Minutes from the meeting held on 9 January 2015

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 9 January 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 **South Norfolk District: C/7/2012/7017: Norton Subcourse Quarry, Loddon Road, Norton Subcourse, Extension to existing quarry involving the extraction of sand and gravel from three parcels of land with restoration to agriculture and heathland integrating with existing restored areas, retention of existing aggregate processing plant, silt lagoons, stocking area and access/haul road: Cemex UK Operations Ltd.**

- 5.1 The Committee received a report by the Executive Director of Community and Environmental Services seeking planning permission for the extension of mineral extraction onto three areas of land adjoining the existing quarry, over a period of between 11 and 21 years, with progressive restoration to agriculture and heathland. The proposal includes retention of the existing aggregate processing plant complex and access/haul road.

The application was before the Planning (Regulatory) Committee because it was subject to the Environmental Impact Assessment (EIA) Regulations and because more than four representations had been received.

- 5.2 During the presentation of the report, the Committee noted that no additional comments had been received since the report had been published.

- 5.3 In response to general questions from the Committee, the following points were noted:

- The extraction of sand and gravel at the site was dependant on market trends and demand and was expected to last between 11 and 21 years.
- Members expressed concern about the removal of mature oak trees on the land and were reassured that the County Council's Ecologist and Arboriculturist had raised no objections provided a condition was imposed for a replacement tree planting scheme to mitigate the loss of the mature oak trees. The replacement trees would be a mixture of broad leaf species which would provide adequate screening and any trees that failed would be replaced.
- The proposed use for wood arising from felling of trees in existing advanced planting belts was not known.
- In their assessment of the application, the Council's Ecologist and Natural Environment Team would have taken into account all aspects involved in removing mature trees, including the corridor of movement the trees offered for birds and mammals, etc.
- The Planning Services Manager confirmed that the site had been included in the

Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan document.

- No comments had been received from the Local Members.
- The site would be worked in six phases. Each phase would be worked in turn, with no more than two phases of the site being worked at any one time.
- The applicant had not yet applied to UK Power Networks about the removal of the two pylons which ran across the site. The cables provided the power supply to Great Yarmouth and Lowestoft so re-routing them underground would be a time consuming and costly exercise. The decision on whether to progress the removal of the pylons rested with the applicant.
- Planning Services Officers had not been made aware of any complaints about dust and the Environmental Health Officer had made no reference to dust complaints in his assessment, although he had recommended the use of dust netting. The existing planning permission included conditions to mitigate dust at the site.
- The nearest properties were to the west along Ferry Road.

5.4 Ms Kirsten Hannaford-Hill, from Cemex attended to answer questions from the Committee, during which the following points were noted:

- Although Cemex had not yet applied to UK Power Networks to move the electricity pylons, it was anticipated that this work could be carried out before work commenced on phase 11 of the site.
- The existing site would be completed and landscaped before any work commenced on the application site.
- Cemex had not received any complaints about dust from local residents, the Environmental Health Officer or the County Council. It was confirmed that dust mitigation measures were in place, including water bowsers to douse the site during dry weather conditions. Ms Hannaford-Hill undertook to ensure that mitigation measures would be implemented as required, if planning permission was granted.
- Ms Hannaford-Hill confirmed that Cemex was committed to meeting any conditions imposed if the application was approved. Members suggested that Cemex meet regularly with the Parish Council to ensure that residents were kept up to date with developments at the site.

5.6 The Planning Services Manager advised that inspection of minerals and waste sites took place a minimum of four times per year by a dedicated team employed by the County Council. If the County Council received a complaint, or if evidence of poor performance

was found during an inspection, additional inspections would be conducted.

- 5.5 On being put to the vote, with 13 votes in favour, 1 vote 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 King's Lynn and West Norfolk Borough Council: C/2/2014/2016: Erection of a building to house a replacement waste baler and generator with associated improvements to bunding and landscaping arrangements. Glazewing House, Station Road, West Dereham, King's Lynn, Norfolk, PE33 9RR: Glazewing Ltd.

- 6.1 The Committee received a report by the Executive Director of Community and Environmental Services seeking planning permission to erect a building to house a replacement waste baler and generator with associated improvements to bunding and landscaping arrangements.

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

- The nearest property was approximately 350 metres from the proposed building and not as stated in the report. The Committee was advised that this did not alter the Noise Impact Assessment that had been carried out.
- If the Committee granted its approval, the following condition would be imposed:

Details of the external finish to the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be completed in accordance with the approved details.

Reason: In order for the Local Planning Authority to be satisfied that the materials to be used will be visually appropriate for the approved development and its surroundings, in accordance with Policy CS 08 of the adopted Core Strategy of the Borough Council of King's Lynn & West Norfolk.

- In response to concerns raised by the Highways Authority and residents, conditions 3 and 4 in the report which related to the amount of waste processed at the entire site (including the area marked with red and blue lines on page xx of the agenda papers), had been included to control the outputs to those at the current levels. Members noted that there would be no increase in the actual tonnage of material processed at the plant.
- The new baler would be of a similar size to the one which was already in use at the plant and would replace the old baler that had reached the end of its operational life.
- A new hedge would be planted at the foot of the bund to provide an additional screen.

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

- As part of the permit granted by the Environment Agency, monitoring of the swale (a ditch to allow drainage) would be carried out to ensure the conditions of the permit were met.
- The application had been assessed by the landscape officer and a condition had been proposed suggesting the external finish and colour of the building to ensure it blended with the surrounding area. No objections had been raised to this proposal. The new building would be visible from the public footpath, although it was noted that there were several other very large buildings in the area including the Wissington sugar beet factory.
- Condition 4 required the applicant to keep records and weighbridge receipts showing the amount of material processed at the plant. These records would be checked by the monitoring and control team when they carried out their inspections, to monitor the amount of material which was being processed at the site.
- The Highways Authority had considered the objections raised by local residents and confirmed that, as future output of material from the site would be no higher than that already experienced, the application had been deemed acceptable.

6.4 Mr B Long, County Councillor for Fincham Division which covered the application site, addressed the Committee as Local Member. Mr Long said he had received a lot of comments from the Parish Council and local residents about the conditions attached to the existing planning approval not being adhered to. He had also received regular complaints about the road and verges being damaged by the number of trucks getting to and from the site and the amount of litter which collected at the side of the roads after being blown from uncovered trucks. He had also received some photographs from residents showing the amount of litter which had collected at the side of the roads leading to the plant.

6.5 In response to a question from the Committee, Mr Long said that providing a direct access

from the site to the B1160 would stop the lorries travelling through the village to access the site and would also prevent the spread of litter throughout the village.

6.6 Mr Stephen Daw, Agent acting for Glazewing Ltd and Mr Paul Norris, Environmental Manager of Glazewing Ltd, attended the meeting to answer questions from the Committee, during which the following points were noted:

- The application made it clear that there would be no increase in the number of vehicle movements as the waste to be processed by the new baler was already at the site. Baling the additional material would enable it to be recycled or incinerated to produce electricity rather than being sent to landfill.
- The new building would be no higher than the existing building at the site and improved bunding would be provided to screen the building from the public footpath.

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

- The cap of 125,500k tonnes per annum on the amount of waste processed was well below the level issued by the Environment Agency permit of 225k tonnes per annum.
- All the trucks owned by Glazewing or their contractors were netted to prevent litter from being blown off the trucks. The Committee noted that material was accepted from other sources and it would not be possible to control whether or not those vehicles were netted.
- The site was open between the hours of 8am and 5pm. During those times anyone was able to drop off waste or scrap metal.
- The Committee noted that any conditions imposed as part of planning permission could only relate to land under the control of the applicants and could not be imposed outside of the site.
- Following a suggestion that in order to maintain good relationships with residents and the local Parish Council, notices could be displayed to customers that only covered vehicles would be accepted onto the site. Mr Norris agreed to discuss a suggestion made by the Committee that no waste from uncovered vehicles would be accepted at the plant, with the Board of Directors to see if a workable solution could be implemented.
- Alternative routes to the site had been considered, but it was not possible to progress this further at the present time.
- The amount of material currently processed at the site was between 95k and 115k

tonnes per annum.

- 6.8 The Committee **agreed** that the following condition should be included:

Details of the external finish to the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be completed in accordance with the approved details.

Reason: In order for the Local Planning Authority to be satisfied that the materials to be used will be visually appropriate for the approved development and its surroundings, in accordance with Policy CS 08 of the adopted Core Strategy of the Borough Council of King's Lynn & West Norfolk.

- 6.9 On being put to the vote, with 8 votes in favour, 4 votes against (Mr B Long and Mr A White) and 2 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 including the additional condition as set out in paragraph 6.8 above.
 - 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.
- 7 North Norfolk District Council: Y/1/2014/1007. RAF Coltishall Airfield. Erection of live fire training facility, enlargement of existing hard-standing area and retention of four fire training containers; plus change of use of building 440 to provide briefing, mess and rest room facilities and building 109a for ancillary storage: Executive Director of Community and Environmental Services.**
- 7.1 The Committee received a report by the Executive Director of Community and Environmental Services seeking planning permission for the erection of a live fire training facility, enlargement of existing hard-standing area and retention of four fire training containers; plus change of use of building 400 to provide briefing, mess and rest room facilities and building 109a for ancillary storage.
- 7.2 In response to a question from the Committee, the Planning Services Manager advised that there was no information available that may have an impact on any possible future users of the site and that the application had been considered acceptable.

- 7.3 Upon being put to the vote, with 13 votes in favour, 0 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.
- 8 Great Yarmouth Borough Council: Y/6/2014/6009. Change of use of former caretaker's accommodation (C3) to office accommodation (B1a) at the Time and Tide Museum, 16 Blackfriars Road, Great Yarmouth. Executive Director of Community and Environmental Services.**
- 8.1 The Committee received a report by the Executive Director of Community and Environmental Services seeking planning permission to change the use of the former caretaker's accommodation to office accommodation at the Time and Tide Museum. No internal or external alterations were proposed.
- 8.2 During the presentation of the report, the following points were noted:
- English Heritage had raised no objection. The proposed change of use would not cause harm to the significance of the building as there were no internal or external alterations proposed to the building.
 - Great Yarmouth Borough Council had raised no objection.
 - The consultation period had now expired. No additional comments had been received and no consultee had asked for an extension of time in which to respond.
- 8.3 Upon being put to the vote, with 14 votes in favour, 0 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.

The meeting ended at 12.05pm

CHAIRMAN



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Applications Referred to Committee for Determination:

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**

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought for a 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. The application is a re-submission of application reference C/6/2013/6002 for, Change of Use of Commercial Kennels to a Mixed Use comprising Commercial Kennels and Pet Incinerator, which was refused following an appeal in 2014. The Planning Inspector concluded that incineration of animal carcasses has potential to give rise to odorous emissions and there is a considerable degree of uncertainty with regard to the likely impact that the operation of the proposed incinerator would have on local amenity, with particular reference to odour. The appeal was dismissed and planning permission for the development was refused.

The application is accompanied by an Odour Impact Assessment to assess the odour impact of the proposed development on the amenities of surrounding neighbours. Objections have been received from residents of West Caister, primarily raising concerns about the potential for amenity impacts on local residents and highway safety.

The environmental impacts of the proposal have been carefully considered and there are no objections from statutory consultees, subject to conditions.

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 : Bentley's Farm, Low Road, West Caister
- 1.2 Type of development :
 - Change of Use of Commercial Kennels to a Mixed Use comprising Commercial Kennels and Pet Incinerator;
 - Installation of Incinerator, 2000 litre fuel tank and refrigeration shed:
- 1.3 Waste type : Domestic pet carcasses (cats and dogs)
- 1.4 Site area : 0.01 hectare
- 1.5 Annual tonnage : 75 tonnes
- 1.6 Market served : Great Yarmouth to Lowestoft
- 1.7 Duration : Permanent
- 1.8 Plant / Buildings :
 - 'Volkan' 300E series medium-capacity animal carcass incinerator;
 - Above-ground fuel tank;
 - Timber shed
- 1.9 Hours of working : 08:00 – 18:00 Monday – Friday
08:00 – 18:00 Saturdays
No operations on Sundays and Bank Holidays
- 1.10 Vehicle movements and numbers : Two pet collections / ash deliveries (from site) per day.
- 1.11 Access : Via existing site access to Back Lane, West Caister.
- 1.12 Landscaping :
 - Existing screening vegetation;
 - No landscaping proposed

2. Constraints

- 2.1 The following constraints apply to the application site:
- 2.2 Local Plan Designation
The site is located in the Broads Authority Executive Area, outside any defined development limit.
- 2.3 A public footpath runs alongside the southern boundary of the kennels complex and a bridleway runs east from the access with Back Lane.

- 2.4 The site is located some 4km south east of Trinity Broads Site of Special Scientific Interest (SSSI), some 2.9km west of Great Yarmouth North Denes SSSI, and some 2.3km north of Breydon Water SSSI.
- 2.5 The site is located within 10km of The Broads Special Area of Conservation (SAC) and, Winterton-Horsey Dunes SAC.
- 2.6 The site is located within 10km of the Broadland Special Protection Area (SPA), Breydon Water SPA and Great Yarmouth North Denes SPA.
- 2.7 The site is located within 10km of Broadland RAMSAR, and Breydon Water RAMSAR.
- 2.8 The site lies approximately 1.2km south east of Lacon Covert County Wildlife Site.
- 2.9 The site is located in the Broads Internal Drainage Board area
- 2.10 The site is located in Flood Zone 3
- 2.11 Halvergate Marshes Conservation Area abuts the southern/south eastern boundary of the kennels complex.

3. Planning History

- 3.1 The planning history of the site from the County Council is detailed below:

- 3.2 **C/6/2013/6002** - Change of use of commercial kennels to a mixed use comprising commercial kennels and pet incinerator, to include installation of incinerator and 2,000 litre fuel tank

Subject of Appeal reference APP/X2600/A/13/2210509 made under section 78 of the Town and Country Planning Act 1990 against failure to give notice within the prescribed period of a decision on an application for planning permission – appeal dismissed and planning permission refused.

- 3.3 The planning history of the site from the Broads Authority is detailed below:

- 3.4 **BA/1999/0577/HISTAP** - Change of use from former piggery to boarding kennels – permission granted 1999
- 3.5 **BA/1997/0424/HISTAP** – Demolition and rebuilding animal stores and office and tool room - permission granted April 1997
- 3.6 **BA/1996/0374/HISTAP** – Application for certificate of lawfulness for existing use as residential dwelling, animal rearing units/storage and grazing areas – certificate issued July 1996

4. Planning Policy

4.1	Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011)	:	CS4	New 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
			DM4	Flood risk
			DM8	Design, local landscape and townscape character
			DM10	Transport
			DM11	Sustainable construction and operations
			DM12	Amenity
			DM13	Air Quality
			DM15	Cumulative impacts
4.2	Norfolk Minerals and Waste Development Framework Waste Site Specific Allocations DPD (2013)	:		No site specific policies or allocations of direct relevance to the proposed development.
4.3	Broads Authority LDF Core Strategy 2007 - 2021 DPD (2007)	:	CS1	Landscape Protection and Enhancement
			CS4	Creation of New Resources
			CS5	Historic and Cultural Environments
			CS7	Environmental Protection
			CS8	Response to Climate Change
			CS18	Rural Sustainability
			CS20	Flood Risk Zones
4.4	Broads Authority LDF Development Management Policies 2011-2021 DPD (2011)	:	CS22	Economy
			DP1	Natural Environment
			DP2	Landscape and Trees
			DP3	Water Quality and Resources
			DP4	Design
			DP5	Historic Environment
			DP11	Access on Land
			DP19	Employment Diversification
			DP28	Amenity
			DP29	Development on Sites with a High Probability of Flooding

4.5	Broads Authority Site Specific Policies Local Plan 2013-2028 (2014)	:	XNS 8 XNS 9	DCLG/PINS Model Policy Development Boundaries
4.6	The National Planning Policy Framework (2012)	:		Section 3: Supporting a prosperous local economy Section 4: Promoting sustainable transport Section 7: Requiring good design Section 10: Meeting the challenge of climate change, flooding and coastal change Section 11: Conserving and enhancing the natural environment Section 12: Conserving and enhancing the historic environment
4.7	Planning Practice Guidance Suite (2014)	:		
4.8	National Planning Policy for Waste (2014)	:		

5. Consultations

5.1	Broads Authority	:	No response received.
5.2	Great Yarmouth Borough Council	:	No response received.
5.3	Mautby Parish Council	:	No response received
5.4	Environmental Services (Great Yarmouth Borough Council)	:	No objection in principle, subject to condition requiring production of an odour management plan, with reference to the Environment Agency H4 Odour Management Guidance.

Comments that:

- The odour assessment carried out by Harrison Group, which I must accept as being carried out in good faith, suggests that exposure odour levels at the nearest residential dwelling would be 0.3 – 0.4 ouE m-3. While these levels are based upon the 98th percentile, meaning that odour levels

may be elevated for the remaining 2% of the time, Environmental Services must conclude that operation of the proposed development can be carried out, within the operating limits proposed by the applicant and subject to an ongoing maintenance schedule for the incineration plant, without a significant impact on those in neighbouring properties.

- This decision would have no effect on the ability of Environmental Services to investigate complaints of odour nuisance should they arise from the operation of the facility and to take enforcement action in the event of a statutory nuisance arising.

5.5	Norfolk Historic Environment Service	:	Based on currently available information the proposal does not have any implications for the historic environment and we would not make recommendations for archaeological work.
5.6	Environment Agency	:	No objection, subject to condition in relation to disposal of foul and surface water. Provide informatives to the applicant in relation to disposal of ash; registration with the Animal Health and Veterinary Laboratories Agency (AHVLA); secondary containment of fuel tanks; management of site drainage.
5.7	Animal and Plant Health Agency (APHA)	:	No objection. Comment that the installation would need approval under the animal by-products legislation as well.
5.8	Local Flood Authority (NCC)	:	No response received
5.9	Highway Authority (NCC)	:	No objection, subject to conditions to restrict the number of animals boarded at the site to 16 and restrict vehicular movements associated with the incinerator to the levels outlined in the application. Comment that whilst the surrounding highway network remains narrow and inappropriate for use by additional traffic the development would not make matters any worse than could lawfully occur.

- 5.10 County Ecologist : No objections
- The Ecologist agrees with the summary in the Supporting Planning Statement that there will be no likely effects on any sites designated for nature conservation or protected species.
- 5.11 Landscape and Green Infrastructure Officer : No objection, subject to conditions in relation to (i) additional native planting to provide screening and habitat for wildlife and, (ii) the finish of the flue.
- Provides comments in relation to views to the site and required screening, and location of a water storage tank, if required.
- 5.12 Public Rights of Way : No objections; the plans do not appear to directly affect the adjacent rights of way.
- 5.13 Ramblers Association : No response received
- 5.14 Norfolk Fire and Rescue Service : No objection, subject to a condition in relation to provision of a fire hydrant / alternative water supply on the development.
- Provide informative that, the developer will be expected to meet costs of supplying and installing the fire hydrant / alternative water supply.
- 5.15 Water Management Alliances (IDB) : No response received
- 5.16 NHS Norfolk and Waveney Public Health Directorate : No response received
- 5.17 The British Horse Society : No response received
- 5.18 CHC Helicopters : No response received
- 5.19 Local residents : Representations have been received from 21 local residents and the owner of the Broadland Pet Cremation Service, Potter Heigham. Objections and concerns to the application are raised on the following grounds:-
- Odour, fumes, smoke;
 - Flue dispersal model should be made;
 - Possible health risks from the proposal;
 - How will the health and safety aspect around odour be monitored?
 - concern that horses are sensitive to fumes from

the incinerator;

- Concern over highway safety, highway width and increased traffic;
- Increased traffic would create risk of accidents, a hazard to residents and horse riders, cause damage to roadside and hedgerows, noise and pollution;
- The Fire Service could not gain access to this facility in an emergency;
- concern over traffic associated with fuel delivery / waste ash collection / existing kennels;
- Back Road is already suffering from subsidence
- Believe that the number of kennels in use over the last 8 years has been a matter of demand and not a decision to reduce traffic for the sake of the community;
- Concern over quantities of waste that would be incinerated;
- The incinerator specification suggests that use could increase, leading to increased traffic;
- Proposal would spoil the enjoyment of the area;
- Children should not be subjected to prospect of seeing vehicles associated with cremation process;
- Proposal would mark a change to an industrial site;
- Proximity to residential properties, caravan site and horse liveries;
- Proposal should be located in a more remote area;
- Proposal should be located in an industrial location;
- Not in keeping with character of West Caister;
- Area would be blighted by this commercial venture
- Concern that site is within 20 metres of a watercourse;
- An application could be submitted for a second burner or larger one;
- Comment that a letter of notification was not received;
- No demonstration or evidence of any need for

the facility;

- Established pet incinerator facilities exist at Potter Heigham;

- Currently there are five incineration companies in Norfolk and a further number in Suffolk. Believes that the pet crematoria business is an already saturated market and each company struggles to find customers.

- Concern that the proposal does not include a wash down tank – this could cause water contamination

- The application proposes that a single van would be used for both the kennels and pet cremation collection – this contravenes legislation as you must have a dedicated vehicle to prevent cross contamination

- Comment that it is against legislation to cremate more than two animals at a time in the incinerator

- Concern that high rainfall will cause an overflow of the hard standing into the flood plain

Other (non-material) concerns:

- Local properties will be de-valued;

5.20 Brandon Lewis MP
Member of Parliament for
Great Yarmouth

: A number of local residents have contacted me as they are extremely concerned about this application.

They have raised concerns that the road network in West Caister is not suitable for any increase in vehicle movements. The large increase in cars will not only damage road surfaces but will present a danger to local people.

Residents have explained to me that they feel this application is not appropriate in the context of the surrounding area. They feel that a commercial incinerator, on any scale, does not fit with the picturesque village surroundings and will have a detrimental impact on their quality of life, due to the potential odour from the facility.

I would appreciate it if the planning department and committee ensures that it fully explores these concerns before they consider granting permission.

- 5.21 County Councillor Mr P Hacon (Caister-on-Sea) : I continue my objection to this proposal for the same reasons I objected to the previous application.
- In response to the previous application (C/6/2013/6002), Councillor Hacon responded as follows:
- My initial response is to refuse
- Please obtain a report from the AHVLA – refer letter from Environment Agency.
- In addition, I am not aware of a shortage of such facilities in the Great Yarmouth area...perhaps you could ring the...vets...to see if there is a need.
- 5.22 County Councillor Mr M Carttiss (West Flegg) : No response received

6. Assessment

6.1 Proposal

- 6.2 Planning permission is sought for the change of use of commercial boarding kennels to a mixed use comprising commercial kennels and pet incinerator for the cremation of domestic pets including cats and dogs. The proposal would involve the erection and use of a 'Volkan' 300E series medium-capacity animal carcass incinerator, above-ground fuel tank, and timber shed for housing two refrigeration units. The proposed incinerator, fuel tank and shed would be located on an existing area of hard standing adjacent to an existing barn, and to the rear of the existing main kennel buildings, and which was formerly part occupied by kennels which have been removed.
- 6.3 The incinerator is broadly rectangular in shape, of steel construction, and measures 1.3 metres (L) x 1.75 metres (W) x 2.7 metres (H), with a flue measuring 3 metres in height. The total height of the flue above ground level would be 5.665 metres. The proposed incinerator has a capacity of 300 kilograms and would be fuelled by gas. The fuel tank has a capacity of 2,000 litres and is cylindrical in shape, measuring 3.0 metres (L) x 1.0 metre (W) x 1.5 metre (H). The timber shed would measure 2m x 2m x 2m.
- 6.4 It is anticipated that the facility will be used by local veterinary practices and individual owners. The applicant proposes a collection only / delivery service, involving two pet collections / ash deliveries (from site) per day. The applicant would collect pet carcasses from the veterinary practice or from customer's homes depending upon where the pet is located. No additional parking spaces are proposed.
- 6.5 Zip-up plastic bags would be used to transport carcasses. The application advises that carcasses will be dealt with within 24 hours but, if a breakdown occurs or there is a delay in incineration the carcasses will be kept refrigerated. It

is proposed that two refrigeration units would be located in the timber shed to be located adjacent to an existing barn / north east of the incinerator.

- 6.6 The applicant states that carcasses would be incinerated one at a time. Once loaded, the operator selects a burn programme. A gas temperature of 850°C is maintained until the end of the main burn cycle. The incinerator has a burn rate of up to 50 kilograms per hour. On completion of the burn programme, the carcass is reduced to ash. The Planning Statement advises that most of the ash will be returned to pet owners. Ash which is not returned to owners would be stored in a standard wheelie bin and collected by a licensed waste carrier.
- 6.7 *Re-submission of planning application reference C/6/2013/6002*
- 6.8 The application is a re-submission of application reference C/6/2013/6002 for, the Change of Use of Commercial Kennels to a Mixed Use comprising Commercial Kennels and Pet Incinerator, to include installation of Incinerator and 2,000 litre fuel tank, which was refused under appeal reference APP/X2600/A/13/2210509 on 11th June 2014.
- 6.9 In its consultation responses to application reference C/6/2013/6002, Great Yarmouth Borough Council Environmental Services Department identified that the prevailing wind direction hereabouts is south westerly and so discharges from the proposed incinerator would be likely to be carried towards nearby residential development. It objected to the scheme on the basis that the applicant had failed to demonstrate that the proposed incinerator would not emit odours harmful to the living conditions of local residents. This concern was shared by a number of local residents and the County Council.
- 6.10 Notwithstanding that the County Council was in negotiation with the applicant in relation to a number of issues, the applicant subsequently lodged a planning appeal under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- 6.11 The Planning Inspector considered that the main issue in this case is the effect of the proposal on local amenity, with particular reference to odour. The Inspector concluded overall that the incineration of animal carcasses has the potential to give rise to odorous emissions and there is a considerable degree of uncertainty with regard to the likely impact that the operation of the proposed incinerator would have on local amenity, with particular reference to odour. The appeal was dismissed and planning permission for the development was refused.
- 6.12 The site area for the application under consideration has been reduced from that subject of the appeal so as to now include only the land required to undertake the proposed use. The description of development has also been amended such that reference is now made to the proposed timber shed to house refrigeration units.
- 6.13 **Site**
- 6.14 The application site relates to Caister Kennels, located on the south western edge of the village of West Caister, with Caister-on-Sea some 2km to the north

east. The kennels occupy a position within the Broads Authority Executive Area and are surrounded by agricultural land.

6.15 The application site comprises of two no. buildings housing dog boarding kennels, and areas of hard standing. The surrounding kennels complex also includes a dwelling house, where the applicant lives, static caravans, and a number of barns and outbuildings.

6.16 With exception of the applicant's dwelling house, the nearest residential property abuts the north eastern boundary of the kennels complex. Vehicular access to the kennels is gained via an unmade track leading onto Back Lane.

6.17 **Principle of development**

6.18 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”.

6.19 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 Norfolk Minerals and Waste LDF: Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 (2011), the adopted NMWDF Waste Site Specific Allocations DPD (2013), the adopted Broads Authority LDF Core Strategy (2007), the Broads Authority LDF Development Management Policies DPD (2011), and the Broads Authority Site Specific Policies Local Plan 2013-2028 (2014). Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) are also a further material consideration of potentially significant weight as well as the National Planning Policy for Waste (2014).

6.20 The NMWDF Waste Site Specific Allocations DPD has gone through the formal Examination process and was adopted by the County Council on 28 October 2013. The proposed site has not been allocated in the NMWDF Waste Site Specific Allocations DPD.

6.21 The NMWLDF Core Strategy for waste management conforms to the national waste hierarchy. NMWLDF Policy CS4 sets targets for the new waste management capacity to be provided, in the form of recycling and composting, residual waste treatment and inert landfill. Facilities for the incineration of animal by-products, including pets, have not been included in this policy. As such any application would need to be considered against the criteria set out in the remaining policies of the NMWLDF Core Strategy.

6.22 *National Planning Policy for Waste*, underlines that planning is pivotal in delivering the country's waste ambitions through the principle of “driving waste management up the waste hierarchy” (i.e. prevention – preparing for reuse –

recycling – other recovery – disposal). Waste Planning Authorities should drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

- 6.23 The proposal involves incineration of pet carcasses without energy recovery. Incineration without some form of energy recovery is at the bottom of the waste hierarchy. In the case of incinerators, section 7 of *National Planning Policy for Waste* expects applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy.
- 6.24 In relation to application reference C/6/2013/6002 for a similar incinerator, the applicant stated that, given the small scale of the incinerator and the low level of use, heat recovery, (which is higher in the waste hierarchy), is not considered economically feasible.
- 6.25 Whilst the proposal would not help to drive the management of waste up the waste hierarchy and would not recover value from the waste, it is recognised that the proposed waste stream is of a somewhat exceptional nature and limited volume (75 tonnes per annum), whereby the proposal is for incineration of domestic pets whose owners may wish for the ashes to be returned to them.
- 6.26 Weight is attached to the Inspector's comments in his appeal decision that, given the small scale of the operation and the need to be able to return the ashes of the incinerated pets to their owners, if requested, the proposal would not undermine the aim of both the NMW(LDF) and PPS10 (since cancelled by the issue of *National Planning Policy for Waste*) of driving the management of waste up the waste hierarchy.
- 6.27 The application states that the proposed catchment area extends into north east Suffolk, mainly Lowestoft. Whilst the proposal could therefore involve waste import from a neighbouring county, this proposal is somewhat exceptional in terms of the waste stream to be managed and which is of a limited quantity.
- 6.28 *Need*
- 6.29 Concern has been raised that there is no demonstration or evidence of any need for the facility and that there are currently five incineration companies in Norfolk (including an established facility at Potter Heigham) and a further number in Suffolk.
- 6.30 As regards existing facilities for incineration of pets, the closest facility to the application site is at Potter Heigham, some 11.7km to the north west. There are four other pet crematoria within 70km (31 miles) of the application site, at Shotesham, Felthorpe, Beeston Regis and West Rudham. Following discussion with the Environment Agency, it is further understood that two of Norfolk's non-hazardous landfills (Aldeby, in south east Norfolk and Blackborough End, in west Norfolk) can accept pet carcasses under European Waste Code 18 02 04.

- 6.31 No specific evidence has been submitted regarding the need for the development; the applicant has sought to justify the development by stating that, the area of Norwich and above the A47 have the benefit of several pet cremation services whereas below the A47 it is sadly lacking, especially for example in the east, the area of Great Yarmouth to Lowestoft...in this respect a local choice will result in reduced travel and offer a more sustainable alternative.
- 6.32 *National Planning Policy for Waste* states that, where proposals are consistent with an up-to-date Local Plan, Waste Planning Authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal. 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.
- 6.33 In the light of this, it is considered that there is no requirement to establish any need for the development. The application should therefore be determined in accordance with the development plan policies and having regard to material planning considerations.
- 6.34 **Principle of location**
- 6.35 The proposed maximum annual operational throughput of pet carcasses would amount to 75 tonnes, and in the context of the NMWLDF Core Strategy, a throughput of less than 10,000 tonnes per annum places the development in the “Non-strategic” category of waste facilities. NMWLDF Core Strategy Policy CS5 reflects the proximity principle and sets out the main principles for the location of waste management facilities. The policy indicates that, non-strategic facilities should be within 10 miles (16km) or less of the settlements named. The site is within 2.5 miles (4km) of Great Yarmouth and so complies with the requirements of Policy CS5 in this respect.
- 6.36 Policy CS5 also states that, whilst every planning application will be considered on its own merits, there are significant international ecological and national landscape constraints affecting the Great Yarmouth urban area. However, this policy recognises that, if waste management activity could take place on a permitted or allocated industrial estate, particularly if contained within a building, the impacts may be little different to any other general industrial use. The proposal is sited in the Norfolk and Suffolk Broads, a nationally designated landscape. Policy CS5 ultimately directs that there is a preference for locations for new waste management facilities away from the Broads. However, the policy does not preclude consideration of locations within the Broads.
- 6.37 In principle, therefore, the location of the proposed site is considered to be in general conformity in relation to the requirements of Policy CS5. Whilst well related to Great Yarmouth, it is important to ensure that the proposal is in accordance with the NMWLDF Core Strategy and other policies of the Development Plan as set out below.
- 6.38 Concern has been raised that the proposal should be located in a more remote area or in an industrial location. The proposal seeks consent for a waste disposal operation on an area of existing hard standing within the boundary of an existing

boarding kennels. Policy CS6 of the NMWLDF Core Strategy states that previously-developed land will be acceptable, for waste sites, provided they would not cause unacceptable environmental impacts. Policy CS18 of the Broads Authority Core Strategy seeks to achieve sustainable patterns of development, by concentrating development in locations, inter alia, where previously developed land is utilised. The environmental impacts are discussed later in this assessment.

- 6.39 In order to support the local economy, Broads Authority Core Strategy policy CS22 seeks to protect sites in employment use from redevelopment resulting in loss of employment, by supporting and promoting appropriate diversification, subject to there being no consequent adverse local impacts.
- 6.40 Broads Authority LDF Development Management Policy DP19, which seeks to amplify / interpret policy CS22 recognises that business diversification can be justified where, (a) the proposed uses are complementary in scale and kind and support the original business, (b) there is no loss of local or visitor facilities, (c) no unacceptable impact on the local transport network, and (d) the proposal is in accordance with the Core Strategy and other policies of the Development Plan.
- 6.41 As regards criteria (a) of Policy DP19, the accompanying planning statement concludes that the proposed diversification of an existing rural business to provide a stronger financial future for the company is in keeping with the objectives of Policy DP19. Furthermore, the keeping and disposal of pets is not considered to be entirely unrelated. As regards criteria (b), the proposal involves part change of use of a boarding kennels. As regards criteria (c), the accompanying planning statement concludes that the collection only service will help reduce travel movements associated with this service. The Highway Authority has raised no objection, subject to conditions. As regards criteria (d), as detailed elsewhere in section 6 of this report, which assesses the development in relation to the relevant policies of the development plan, it is considered that the proposed development is broadly compliant with these requirements.
- 6.42 Section 4 of the National Planning Policy for Waste requires waste planning authorities, when identifying suitable sites for new or enhanced waste management facilities, to give consideration to:
- opportunities for on-site management of waste where it arises;
 - a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities.
- 6.43 As regards on-site management of waste, it appears likely that the majority of the waste handled by the proposed incinerator would be imported for disposal. As regards co-location, the keeping and disposal of pets is not considered to be an entirely unrelated use.
- 6.44 As detailed above, the proposal is sited in the Broads. Paragraph 116 of the NPPF states that, planning permission should be refused for major

developments in the Broads except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Consideration of such proposals should include an assessment of:

- the need for the development; including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

- 6.45 'Major developments' (plural) in this context are not defined in the NPPF. 'Major development' (singular) for the purposes of the Town and Country Planning (Development Management Procedure)(England) Order 2010, includes waste development of whatever size and nature.
- 6.46 It is recognised, however, that the Inspector in appeal decision APP/W0340/A/12/2188549 in relation to a materials recycling facility (MRF) located within an AONB concluded that, there is no convincing evidence before him to suggest that the Framework (or indeed the policy guidance which it replaced) intended 'major developments' (plural) to mean exactly the same as 'major development' (singular) in the DMPO. Furthermore, the application notes that the Inspector, in his consideration of appeal reference APP/X2600/A/13/2210509 (in relation to the pet incinerator) also concluded that, given the small size of the proposed incinerator and the limited scale of the operation, the proposal would not amount to major development in the AONB (The Broads) for the purposes of assessment against paragraph 116 of the NPPF.
- 6.47 **Amenity / Air Quality**
- 6.48 NMWLDF Policies CS14, DM12 and DM15 require that development should not cause unacceptable adverse impacts on residential amenity, whilst policy DM13 requires applicants to submit information to demonstrate that proposals effectively minimise harmful emissions to air.
- 6.49 The principles of the above policies are reiterated through Policies CS7 and DP28 of the Broads Authority Core Strategy Policy.
- 6.50 Para. 109 of the NPPF is clear that the planning system should prevent new development from contributing to unacceptable levels of pollution, including air. Both the NPPF and National Planning Policy for Waste underline that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Therefore, the CPA needs to be satisfied planning permission can be granted on land use grounds taking full account of environmental impacts, and that potential releases can be adequately regulated under the pollution control framework.

- 6.51 It is clear that there is strong concern for the amenities of local residents due to the perception of the health risks associated with this proposal. Local residents have also raised concerns regarding the proximity of the proposal to residential properties, a caravan site and horse liveries, and possible emissions from the incinerator. Public perception of risk is a material planning consideration.
- 6.52 In addition to planning permission, the incineration of dead pets in incinerators with a capacity of less than 50kg per hour, also requires approval from the Animal and Plant Health Agency (APHA) (formerly the Animal Health and Veterinary Laboratories Agency) under the Animal By-Product legislation. The planning statement indicates that the incinerator has a burn rate of up to 50kg per hour.
- 6.53 For approval to be granted, it is necessary that the exhaust gas is held at a temperature of 850 degrees Celcius for 2 seconds. The application states that the proposed incinerator features high efficiency burners which reach 850 degrees Celcius and produces emissions which are compliant with European emissions legislation ABPR 1069/2009.
- 6.54 The APHA have been consulted on this application and have raised no objection. The CPA notes that the Inspector, in his appeal decision, comments that, 'I understand that before the proposed incinerator could be used it would need to be approved by the Animal Health and Veterinary Laboratories Agency...however, there is no evidence before me to show that any particular standards of odour control need to be met in order for approval to be granted' (by the Animal Health and Veterinary Laboratories Agency now APHA). The CPA considers that, whether approval would be given to this proposal under the Animal By-Product Regulations is a matter for the APHA under separate legislation and is therefore not a material planning consideration.
- 6.55 The application is accompanied by an Odour Impact Assessment to assess the odour impact of the proposed development on the amenities of surrounding neighbours. The assessment is based on direct testing of the proposed incinerator unit and computer modelling. The report concludes that odour emissions from the incinerator unit would likely not be perceptible at the receptor locations, and would be highly unlikely to result in odour complaints.
- 6.56 Great Yarmouth Borough Council Environmental Services, as the relevant pollution control authority, has been consulted on this application and has raised no objection to the development in principle, subject to a condition requiring the applicant to produce an odour management plan, with reference to the Environment Agency H4 Odour Management Guidance.
- 6.57 'Odour Guidance for Local Authorities', published by the Department for Environment, Food and Rural Affairs (Defra) (2010) defines an Odour Management Plan (OMP) as a documented, operational plan detailing the measures to be employed by a site operator to anticipate the formation of odours and to control their release from the site. The OMP should show how odours are being managed and controlled so as prevent or minimise the release of odours

from the site. It should also assign managerial and operational responsibilities for maintaining the OMP, implementing the OMP and responding to odour related incidents and the response of the community.

- 6.58 The guidance adds that, in the case of a planning application for a new development, an OMP may help demonstrate a commitment by the owner/operator that they will employ 'Best Practicable Means' to control odours from the future operation of the premises. This should help instil confidence with the local authority and neighbouring community that odours from the site will be proactively managed.
- 6.59 The Environment Agency has raised no objection to the development in terms of any potential emissions.
- 6.60 Given the above, it is considered that the development will not result in unacceptable impact to local amenity and would not impact negatively on air quality. It is considered therefore that the proposal is in accordance with NMWLDF: Core Strategy Policies CS14, DM12, DM13 and DM15, Broads Authority Core Strategy Policy CS7 and Development Management Policy DP28, and with the requirements of the NPPF.
- 6.61 **Landscape and Design**
- 6.62 The proposal is sited in the Norfolk and Suffolk Broads, and adjacent the Halvergate Marshes Conservation Area.
- 6.63 The Broads Authority area is subject to a high level of protection in the development plan; policy CS14 of the NMWLDF Core Strategy requires developments to ensure that there are no unacceptable adverse impacts on, and ideally improvements to, the character and quality of the landscape, including the Norfolk and Suffolk Broads. Policy DM8 of the NMWLDF requires applicants to demonstrate how their proposals will address impacts on landscape. Furthermore, development will only be permitted where it could affect the setting of a conservation area, where it can be demonstrated that the development would not adversely impact on the character and/or setting of the location, taking into account any mitigation measures.
- 6.64 Policy CS1 of the Broads Authority Core Strategy requires proposals to ensure opportunities for positive impacts on core assets, including character and appearance of the Broads, whilst policy CS4 seeks creation of new environmental assets. Broads Authority Development Management Policy DP1 requires all development to incorporate biodiversity features where appropriate, whilst Policy DP2 requires landscaping of new development to reflect local landscape character. Policy DP4 requires all development to be of a high design quality, whilst Policy DP5 expects new development to protect, preserve or enhance the fabric and setting of historic and cultural assets.
- 6.65 Part 7 of the NPPF places emphasis on good design, whilst part 11 sets out the Government's objectives for conservation and enhancement of the natural

environment, including landscapes and requires great weight to be given to conserving landscape and scenic beauty in the Broads. Para. 132 of the NPPF states that, “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.

- 6.66 The development proposals are within the boundary of an existing boarding kennels complex, comprising a number of outbuildings including dog boarding kennels and agricultural sheds. Three above-ground structures are proposed, comprising of a pet incinerator, fuel tank and timber shed. At 5.665 metres, the flue stack would be the most prominent element, although partial screening is afforded by existing buildings and landscaping. The proposed pet incinerator and fuel tank are of a functional design in keeping with their purpose.
- 6.67 The planning statement submitted with the application concludes that, the development is small in scale and well screened from public views within the landscape. The application notes that the Inspector, in his appeal decision, considers that the visual impact of the proposal relative to the surroundings could be fully mitigated through the imposition of conditions that require some additional planting within the site and control the external finish of the flue. The application concludes that, by virtue of the location, scale of development and design it does not have a negative impact on the surrounding landscape including the conservation area. The proposed development involves no mitigation planting.
- 6.68 Norfolk Fire and Rescue Service has been consulted on this application and has raised no objection, subject to a condition in relation to provision of a fire hydrant or an alternative water supply. The application states that, it is understood that the site can be served by a fire hydrant, however, should a water tank be required this could be accommodated in a range of locations at the site which would be well screened and have no detrimental impact on the character of the area.
- 6.69 No response has been received from the consultation with The Broads Authority. The Council’s Landscape Officer has been consulted on this application and has raised no objection, subject to conditions in relation to (i) additional native planting to provide screening and habitat for wildlife and, (ii) the finish of the flue. Given the landscape visual amenity impact as detailed above, this would seem to be a reasonable request.
- 6.70 Given the proximity of the conservation area it is also necessary to have regard to Section 72 (1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 which requires that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this instance, it is considered that, subject to conditions, there would be no harm caused to the setting of the neighbouring Conservation Area.
- 6.71 The layout of the proposed development is considered to work well. Access to the incinerator and associated structures would be available via an existing route

through the site.

- 6.72 To conclude on landscape and design issues, it is therefore considered that, subject to imposition of conditions in relation to a scheme of landscaping, colour and finish of the incinerator flue, and details of fire hydrant / alternative water supply, the proposal complies with the provisions of NMWLDF Core Strategy policies CS14 and DM8, Policies CS1 and CS4 of the Broads Authority Core Strategy, and Policies DP1, DP2, DP4 and DP5 of the Broads Authority LDF Development Management Policies DPD 2011-2021, the NPPF and the Planning (Listed Buildings and Conservations Areas) Act 1990.

6.73 Biodiversity

- 6.74 NMWLDF policy CS14 requires the protection and enhancement of Norfolk's natural environment. Unacceptable adverse impacts on biodiversity, including nationally and internationally designated sites and species, habitats and sites identified in Biodiversity Action Plans should be avoided. Policy DM1 seeks to mitigate harm to locally designated nature conservation sites. 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.

- 6.75 The site is located within 10km of The Broads SAC and, Winterton-Horsey Dunes SAC, the Broadland SPA / RAMSAR, Breydon Water SPA / RAMSAR, and Great Yarmouth North Denes SPA. The Planning / Design and Access Statement concludes that, the proposal by virtue of its small size and limited capacity is not considered likely to have a significant effect in respect of the conservation objectives of these sites.

- 6.76 A County Wildlife Site (CWS) is located in close proximity to the site. The application notes that the Inspector, in his appeal decision, considers that the CWS is sufficiently distant from the application site so as not to be adversely affected by the development. The submitted planning statement concludes that there will be no harm to biodiversity.

- 6.77 The Council's Ecologist has been consulted on the application and has raised no objection to the proposal regarding protected species or sites. The development is considered to be acceptable and compliant with NMWLDF: CS policies CS14 and DM1, and objectives of the NPPF.

6.78 Appropriate Assessment

The application site is within 10km of The Broads SAC and, Winterton-Horsey Dunes SAC, the Broadland SPA / RAMSAR, Breydon Water SPA / RAMSAR, and Great Yarmouth North Denes SPA which are internationally protected habitats. 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 does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development. The CPA notes that the

Inspector, in his appeal decision, had no reason to disagree with this conclusion.

6.79 Transport

- 6.80 Policy CS15 of the NMWLDF Core Strategy seeks to ensure that waste development can be suitably accessed and would not cause unacceptable impacts on road user safety, network capacity, residential and rural amenity, and damage to road infrastructure, whilst Policy DM10 requires applications to demonstrate that there is suitable highway access and suitable routes to the nearest major road. The NPPF sets out the Government's national planning policies in relation to transport.
- 6.81 Local residents have raised concerns regarding highway safety and increase in traffic caused by the proposal. Concern is also raised over fuel delivery and waste ash collection.
- 6.82 The site will be accessed via the existing private un-metalled road leading onto Back Lane (part of the U69499). The applicant proposes a collection only service in order to minimise traffic movements to and from the site. The Planning Statement concludes that, the low level of additional traffic generated will not result in any detrimental impact to highway safety.
- 6.83 The U69499 (West Road / Back Lane) is a narrow public highway with a predominant width throughout its length of less than 3m with no formal passing provision.
- 6.84 The existing use of the site as a boarding kennels has the benefit of planning permission reference BA/1999/0577 granted by the Broads Authority in 1999. Condition no. 2 of the planning permission restricts the number of animals that may be boarded at any one time to 24. It is understood that this limit was imposed at the request of the Highway Authority in view of the restricted width of the local highway network.
- 6.85 The planning statement advises that the kennels are not currently running at full capacity and 16 kennels are operated. In order to minimise any additional traffic movements associated with the proposed mixed use of the site, the applicant indicates that he is willing to maintain the current number of kennels. Accordingly, the applicant is willing for this to be restricted by way of planning condition.
- 6.86 The Highway Authority has been consulted on the application and comment that, whilst the surrounding highway network remains narrow and inappropriate for use by additional traffic, it is considered that the proposal would not make matters any worse than could lawfully occur. The Highway Authority raises no objection, subject to conditions to restrict the number of animals boarded at the site to 16 and restrict vehicular movements associated with the incinerator. The condition should prohibit the public from visiting the site and restrict the delivery / collection movements to the levels outlined in the application. Given the characteristics of the surrounding highway network as detailed above, this would seem to be a reasonable request.

- 6.87 Local residents have raised concern over the potential scale of the operation. The application states that carcasses would be incinerated one at a time, as most of the ash will be returned to pet owners. As part of the original application (reference C/6/2013/6002) the applicant had indicated that he is willing for the CPA to impose conditions on the number of cremation cycles at the site per day if it considers this to be reasonable and necessary in accordance with the requirements of Circular 11/95 (since cancelled by the launch of the Planning Practice Guidance Suite 2014).
- 6.88 The application states that, should there be sufficient carcasses available to cremate in a single session, the incinerator would be heated up; the carcass cremated; the ashes removed; and then continue whilst the incinerator is still hot. Given that the incinerator might not cool down until the end of the day it could perhaps be argued that a single cycle lasts a whole day. In view of the ambiguity it is considered that such a condition would not be feasible to enforce.
- 6.89 A local resident believes that the number of kennels in use over the last eight years has been a matter of demand and not a decision to reduce traffic. The fact that the kennels may not have been operating at full capacity is not relevant in planning terms as the Highway Authority's assessment has to be made against the current lawful and permitted use of the site.
- 6.90 Concern has been raised that the Fire Service could not gain access to the site in an emergency. Norfolk Fire and Rescue Service, and the Highway Authority have been consulted and have raised no objection on grounds of access.
- 6.91 The concern over the quantity of waste that would be managed has led to speculation among objectors that larger quantities of waste will be imported, which would lead to increased traffic. However, this is not part of the application as proposed.
- 6.92 Subject to the aforementioned conditions, the development is considered compliant with the principles of NMWLDF: CS policies CS15 and DM10, and the government objectives of the NPPF.
- 6.93 **Sustainable construction and operations**
- 6.94 The NPPF sets out the overarching policies on the delivery of sustainable development. NMWLDF policy DM11 requires applications to demonstrate consideration of sustainable construction and operations.
- 6.95 The application involves installation of a pet incinerator of steel construction, fuel tank and timber shed on an existing area of hard standing which, subject to maintenance, will not be in need of regular replacement.
- 6.96 **Climate change and renewable energy generation**
- 6.97 NMWLDF Policy CS13 addresses issues relating to climate change and

renewable energy generation. Where possible, applicants should aim for the incorporation of renewable or low carbon energy to generate a minimum of 10 per cent of their energy needs. Where this is not considered practicable, appropriate evidence should be provided.

6.98 No specific measures are proposed within the application. The planning statement states that, the proposed development is incapable of generating renewable energy as it will be fuelled by gas and connected to the existing mains supply. Given the small scale of the incinerator and predicted waste output, the costs of providing either renewable or decentralised energy would be prohibitive. Although it is disappointing that no measures for renewable energy are being proposed, the argument put forward by the applicant is accepted in this instance.

6.99 **Flood risk**

6.100 NMWLDF Policies CS13 and DM4 address issues relating to flood risk. The site sits within Flood Zone 3 Fluvial / Tidal. The proposed operational development involves installation of a pet incinerator and associated structures on an existing hard standing and no floor levels will be raised. The planning statement concludes that the proposal will not increase the risk of flooding on-site or elsewhere.

6.101 Concern has been raised that high rainfall will cause an overflow of the hard standing into the flood plain.

6.102 Given that the development occupies a footprint of less than 250 sq. metres the proposal falls under the Environment Agency's Flood Risk Standing Advice for local planning authorities; this mitigates the need for a bespoke formal Flood Risk Assessment. Based on the information provided, the Environment Agency has raised no objection on flood risk grounds.

6.103 It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding.

6.104 **Groundwater and surface water**

6.105 Policy DM3 of the NMWLDF Core Strategy seeks to ensure that development does not pose a risk to groundwater/surface water quality and resources. These principles are also reiterated through Policy CS7 of the Broads Authority Core Strategy. The NPPF sets out how, to prevent unacceptable risks from pollution, planning decisions should ensure that development is appropriate for its location.

6.106 Concern has been raised that the site is within 20 metres of a watercourse. Concern has also been raised that the proposal does not include a wash down tank, which could cause water contamination.

6.107 The proposal involves erection of a pet incinerator, fuel tank and timber shed on an existing area of hard standing. The application states that, in the event of a breakdown / delay in incineration the animals would be stored in refrigeration units located in the timber shed.

- 6.108 The incineration of pet animal carcasses requires approval from the Animal and Plant Health Agency (APHA). From examination of government guidance in relation to incineration of animal by-products (which includes pet animal carcasses) it is noted that the incinerator must be placed on a hard standing which may be bunded (built to stop liquids escaping) or sloped to a drain and has a drained area that provides space for containers or vehicles to be cleaned.
- 6.109 During the determination process additional details relating to management of foul water were requested. The applicant proposes that the hardstanding will be bunded and that foulwater from the bunded slab can be absorbed and disposed of by a waste carrier. As regards vehicle wash, it is proposed that a containment mat will be laid on the concrete hardstanding to contain any spillage from the vehicle: if there is leakage from the bagged carcass inside the vehicle then it will be re-bagged inside the vehicle. Any liquids will be absorbed with cloths or absorbent material and bagged and disposed of by waste carrier
- 6.110 The Environment Agency has been consulted on this application and raises no objection, subject to condition in relation to management of foul and surface water. Given the nature of the development this would seem to be a reasonable request. Accordingly, the development is considered to be compliant with NMWLDF: Core Strategy policy DM3, Policy CS7 of the Broads Authority Core Strategy and the NPPF.
- 6.111 **Water Infrastructure Capacity**
- 6.112 The Broads Authority Development Management Policy DP3 requires sufficient water infrastructure capacity to meet the additional requirements arising from a development to be in place before the development commences. Norfolk Fire and Rescue Service require that a scheme for provision of a fire hydrant / alternative water supply on the development are submitted and approved by the County Planning Authority prior to commencement of development.
- 6.113 Subject to provision of a fire hydrant / alternative water supply on the development, it is considered that the development is compliant with Policy DP3.
- 6.114 **Responses to the representations received**
- 6.115 The application was advertised by means of neighbour notification letters, site notice, and an advertisement in the Eastern Daily Press newspaper.
- 6.116 A number of concerns/objections were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.
- 6.117 Concern has been raised that a planning application could be submitted for a second incinerator. Were an application to be submitted it would be considered

in the context of the relevant development plan policies and material planning considerations.

- 6.118 A local resident considers that children should not be subjected to the prospect of seeing vehicles associated with the cremation process, however, this is not considered to be a material planning consideration and therefore, cannot be taken into account in the determination of this appeal.
- 6.119 Concern has been expressed by local residents that local properties will be de-valued, however, devaluation of property is not a material planning consideration.
- 6.120 Concern has been expressed that the pet crematoria business is an already saturated market and each company struggles to find customers. However, potential competition between businesses is not a material planning consideration and cannot be taken into account.
- 6.121 As regards concerns raised in relation to use of a dedicated vehicle for pet carcass collection, this is not considered relevant to the planning application under consideration and is a matter that would be subject to control by the Animal and Plant Health Agency under the animal by-products legislation.
- 6.122 As regards concerns raised in relation to the number of animals to be cremated at any one time, it is considered that this matter would be subject to control by the Animal and Plant Health Agency under the animal by-products legislation.
- 6.123 Concern is raised that a letter of notification in relation to the planning application was not received. Notification of the application was undertaken using the above mentioned methods. Notification of residents in the area of an application is at the discretion of the case officer and it is always difficult to know where to draw the line.

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 for the 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.
- 11.2 Objections have been received from residents of West Caister, primarily raising concerns about the potential for amenity impacts on local residents and highway safety.
- 11.3 No objection is raised by Great Yarmouth Borough Council Environmental Services, as the relevant pollution control authority, in relation to impact on local amenity and air quality, subject to condition requiring the applicant to produce an odour management plan. In addition, no objection is raised by the Highway Authority, subject to conditions to restrict the number of animals boarded at the site and restrict vehicular movements associated with the incinerator.
- 11.4 No objection is raised by the Council's Landscape Officer in relation to the visual impact of the proposal, including the impact on the Broads Authority Area and the nearby Halvergate Marshes Conservation Area, subject to conditions. The Council's Ecologist is satisfied that there will be no likely effects on any sites designated for nature conservation or protected species.
- 11.5 For the reasons detailed in this report, on balance, the proposal is considered to accord with all relevant development plan policies and national planning guidance.
- 11.6 The proposed development is therefore considered to be acceptable 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 hereby permitted shall commence not later than three years from the date of this permission. Within seven days of the commencement of operations, the operator shall notify the County Planning Authority in writing of the exact starting date.

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.

- 12.2 Except as modified by the provisions of:

(i) the contents of the e-mail from One Planning to Norfolk County Council dated 05 January 2015 15:51 hours;

(ii) the contents of the e-mail from One Planning to Norfolk County Council dated 05 February 2015 14:24 hours;

(iii) the contents of the e-mail from One Planning to Norfolk County Council dated 12 February 2015 10:21 hours;

(iv) the contents of the e-mail from One Planning to Norfolk County Council dated 19 February 2015 14:21 hours

(v) the contents of the e-mail from One Planning to Norfolk County Council dated 16 March 2015 14:07 hours

and details to be approved pursuant to condition nos. 3, 4, 5, 6, 7 and 8 below,

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

a) Proposed Incinerator and Fuel Tank to Caister Kennels, Bentleys Farm, West Caister; reference GA01; dated Nov'14

b) Supporting Planning Statement (Including Design & Access Statement) – Bentleys farm, Low Road, West Caister, NR30 5SP - Change of use of commercial kennels to a mixed use comprising commercial kennels and pet incinerator, to include installation of incinerator, 2,000 litre fuel tank and refrigeration shed; unreferenced; prepared by One Planning Ltd; dated December 2014

c) Small Animal Incinerator - Caister Kennels, Great Yarmouth Norfolk – Odour Impact Assessment; Air Dispersion Modelling Report Revision 2; dated November 2014; reference EN18588 Caister Kennels; prepared by Harrison Group

d) Document entitled Household and other minor extensions in Flood Zones 2 and 3; unreferenced; undated

Reason:

For the avoidance of doubt and in the interests of proper planning

- 12.3 No development shall take place until a scheme for disposal of foul and surface water has been submitted to, and approved in writing by the County Planning Authority, in consultation with the Environment Agency. The scheme shall be implemented before the first use of the development and be constructed in accordance with the approved details.

Reason:

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

- 12.4 No development shall commence on site until a scheme has been submitted for the provision of a fire hydrant / alternative water supply on the development in a location to be agreed with the County Planning Authority in consultation with Norfolk Fire and Rescue Service.

The pet incinerator shall not be operated until the hydrant / alternative water supply has been provided to the satisfaction of the County Planning Authority in consultation with Norfolk Fire and Rescue Service.

Reason:

To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire.

- 12.5 No development shall commence until an Odour Management Plan, with reference to Environment Agency Additional guidance for H4 Odour Management, has been submitted to and approved in writing by the County Planning Authority. The approved odour management plan shall be complied with throughout the duration of the use.

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 No development shall take place until a scheme of landscaping has been submitted to and agreed in writing by the County Planning Authority. The scheme shall include details of size, species and spacing of trees, hedges and shrubs, and arrangements for their protection and maintenance. It shall make provision for:
- (a) the screening of the operations by trees and hedges;
 - (b) the protection and maintenance of existing trees and hedges which are to be retained on the site;
 - (c) re-seeding and re-planting where failures or damage occur within a period of five years from the date of planting; and,
 - (d) the replacement of any damaged or dead trees with trees of similar size and species at the next appropriate season.

All planting comprised in the approved details of landscaping shall be carried out in the first planting season (October to March), following the completion of the development. Any trees, shrubs or plants which within a period of five years from the date of initial planting die, become seriously damaged or diseased shall be replaced with plants of a similar size and species in the subsequent planting season.

Reason:

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

- 12.7 Prior to the commencement of any works on site, details of the colour and finish of the incinerator flue, shall be submitted to, and agreed in writing by, the County Planning Authority. The development shall then be constructed and retained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development, in

accordance with policy DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.8 Prior to its installation, full details of the location and external appearance of the refrigeration shed shall be submitted to the County Planning Authority for its approval in writing. The development shall not then take place except in accordance with the approved details.

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.

- 12.9 No more than 16 animals shall be boarded in the kennels buildings (originally approved pursuant to planning permission 06/99/0829/BU) at any one time

Reason:

To retain control over the scale of operations hereby permitted, in the interests of maintaining highway efficiency and safety, in accordance with policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.10 No material other than dead pet animals as specified in the statement accompanying the application shall be brought onto 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.

- 12.11 The delivery of dead pet animals to the site / removal of ash from the site shall only be undertaken in accordance with the method as specified in the statement accompanying the application. The site shall not be open to the general public for the delivery of dead pet animals / removal of ash.

No more than two vehicles carrying dead pet animals / animal ash shall enter the site on any day. The daily numbers of laden vehicles arriving at the site shall be made known in writing to the County Planning Authority within 14 days of a written request for that information

Reason:

To limit the volumes of traffic in the interest of the amenity of residents on and near the approaches to the site, in accordance with policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.12 No more than 75 tonnes of waste per annum shall be brought onto the site.

Reason:

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

- 12.13 From the date of this permission the operators shall maintain records of their monthly input of waste and shall make them available to the County Planning Authority at any time upon request. All records shall be kept for at least 12 months.

Reason:

In order that the County Planning Authority can monitor the input of waste, to protect the amenity of the area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.14 No operation authorised or required under this permission, including the movement of vehicles and operation of any plant, shall take place on Sundays or public holidays, or other than during the following periods:
08.00 - 18.00 Mondays to Fridays
08.00 - 18.00 Saturdays.

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.

- 12.15 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 at 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.

- 12.16 No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.

Reason:

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

- 12.17 Informative
EA 29 December 2014

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 above.
- (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.

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>

Norfolk Minerals and Waste Development Framework Waste Site Specific Allocations DPD (2013) <http://www.norfolk.gov.uk/view/ncc126928>

Broads Authority LDF Core Strategy 2007 - 2021 DPD (2007)
http://www.broads-authority.gov.uk/_data/assets/pdf_file/0005/421871/AD1.pdf

Broads Authority LDF Development Management Policies 2011-2021 DPD (2011)
http://www.broads-authority.gov.uk/_data/assets/pdf_file/0008/414368/Development-management-policies.pdf

Broads Authority Site Specific Policies Local Plan 2013-2028 (2014)
http://www.broads-authority.gov.uk/_data/assets/pdf_file/0009/469620/Adopted-Site-Specific-Policies-Local-Plan-11-July-2014-with-front-cover.pdf

The National Planning Policy Framework (2012)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

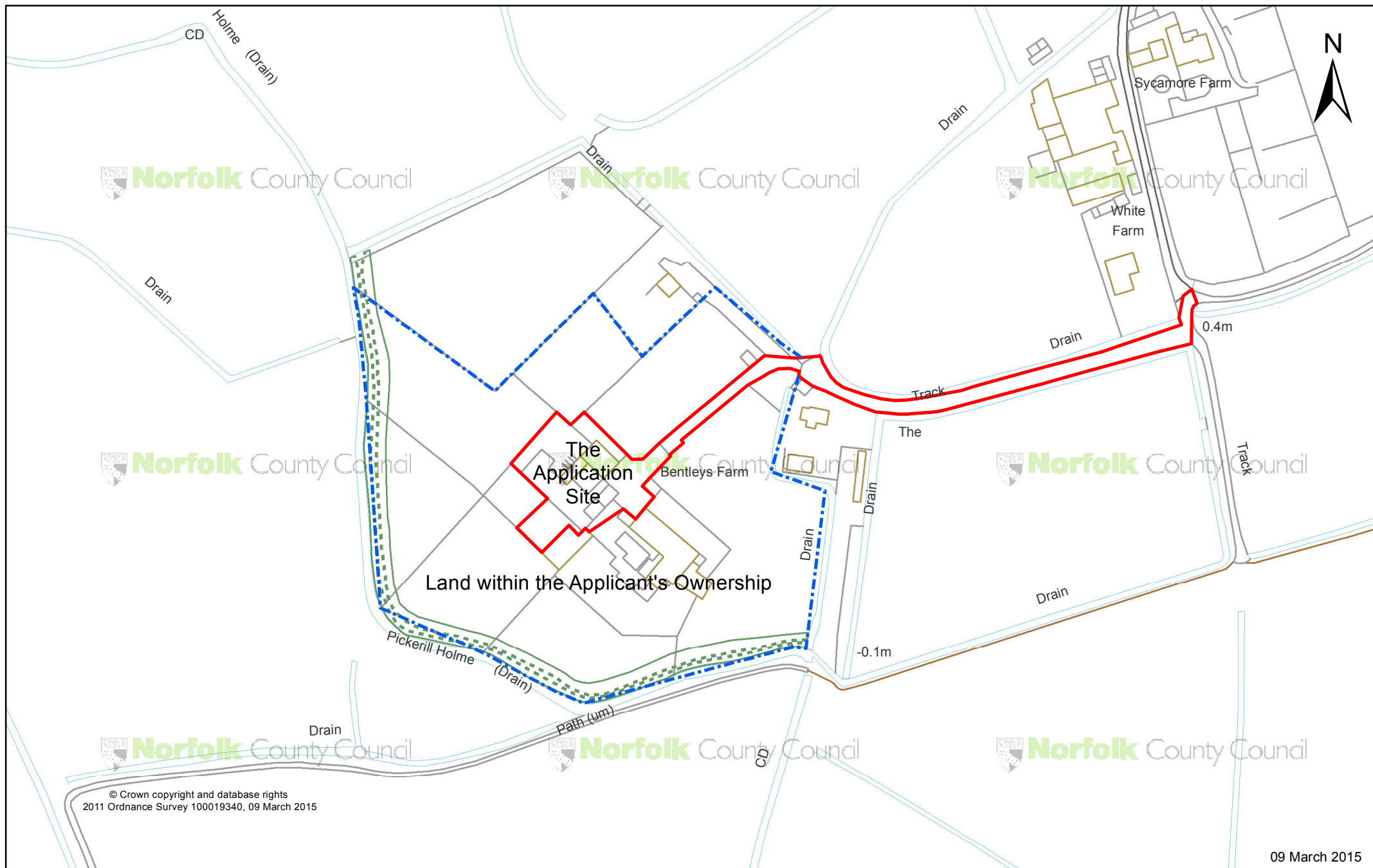
Planning Practice Guidance Suite (2014) <http://lanningguidance.planningportal.gov.uk/>

National Planning Policy for Waste (2014)
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

Officer Contact

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

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andrew.harriss@norfolk.gov.uk

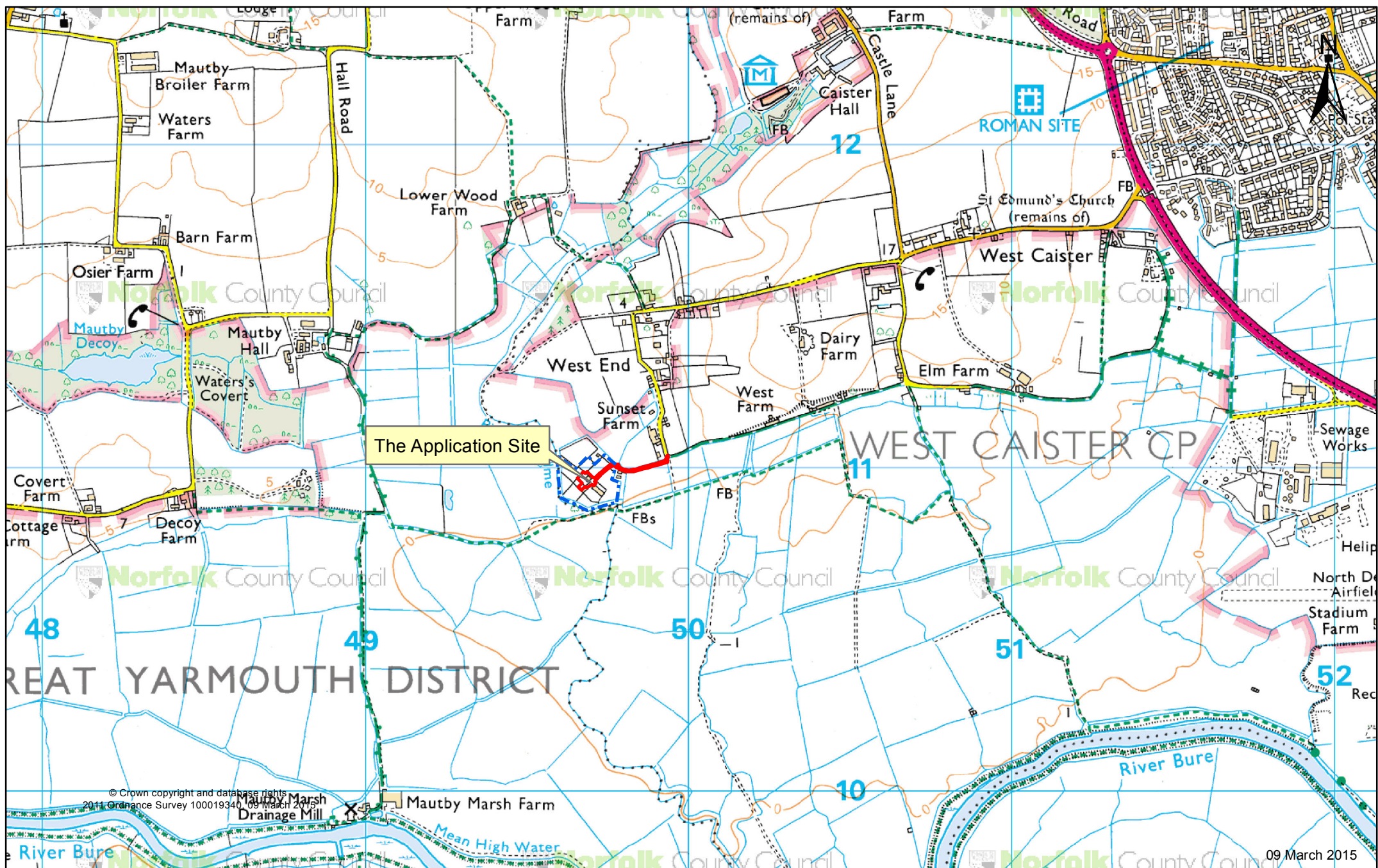


C/6/2014/6007 - Bentley's Farm
West Caister



Norfolk County Council

Scale 1: 2000 Centred on 620732 310977



C/6/2014/6007 - Bentleys Farm
West Caister

Norfolk County Council

09 March 2015

Applications Referred to Committee for Determination:

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, Fairfield, Thetford. Norfolk.

IP24 1JW

Director of Children's Services

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought for the extension and expansion of the school, external sports provision, additional car park and associated works. The proposal will allow the school to expand to a two form entry 420 place Primary School.

There is insufficient land on the current school site to accommodate the development. Consequently, the planning application includes land outside, but adjacent to the existing school site, on two areas of public open space. The principle of the use of these two areas as a school is therefore not established.

Objections and concerns have been raised by 25 residents and a 40 signature petition has also been received. The concerns raised relate primarily to highway and amenity issues and, loss of public open space. Five letters of support have been received.

The environmental impacts of the proposal have been carefully considered, including the impact upon amenity, highways and loss of open space. There are no objections from statutory consultees, subject to conditions.

It is considered that the proposed development is in accordance with the development plan and national planning policy

The proposal is therefore considered to be acceptable subject to conditions and there are no issues of sufficient weight to justify a refusal.

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

Location

- 1.1 The application site comprises the existing Drake Infant School site and two adjoining areas of public open space. The site is located to the north east of the town centre, within a predominantly residential area. The existing school buildings are predominantly single-storey in appearance, constructed of red facing brick, with some white render panels and timber boarding, white aluminium / stained timber frame windows, painted solid and glazed timber doors, and brown concrete pantiles.
- 1.2 The school has been extended over the years; most recently the school received permission for the erection of a single storey extension to provide office space and library area.
- 1.3 Situated within a residential area, Drake Infant School is bounded to the northwest by residential dwellings and to the south east (rear) by the Norwich to Ely railway line. To the south-west and north east of the site are areas of public open space which also form part of this application.
- 1.4 Vehicular and pedestrian access to the school is via Fairfields, a residential 'no-through' road which also serves to provide access from Croxton Road to residential properties on Fairfields, Barley Way and Clover Way.

Proposal

- 1.5 The proposal relates to the extension and expansion of Drake Infant School, to include the change of use of two areas of public open space to the north east and south west of the school to an educational use to allow the school to expand to a 420 place Primary School with additional parking provision and external sports provision for the school.
- 1.6 The proposed scheme consists of:

Change of use of two areas of existing open space for school use to include:

- new car parking provision on open space south west of the existing school site, accessed via new access drive from Fairfields;
- External sports provision (playing field and Multi Use Games Area (MUGA)) on open space north east of the existing school site.

Expansion of existing school to two form entry: works to include:

- Internal remodelling of the existing school
- Extensions (1,418m²) to the north eastern and south eastern elevations of the existing school building to accommodate ten no. classrooms, further nursery facilities, new large hall; smaller ancillary rooms, stores, plant room and toilets;

- Re-configuration of existing car park;
- Relocation of existing cycle shelters;
- Provision of new cycle shelters

2. Constraints

2.1 Local Plan designation:

The existing adopted Core Strategy Proposals Map identifies the existing school site as falling within the main built-up area for the town of Thetford. The adjacent areas of open space to the north east and south west are designated as 'Open Space'.

2.2 Thetford Conservation Area lies some 0.5km south of the site.

2.3 Scheduled Ancient Monuments

Thetford Saxon Town; Melford Bridge; Cluniac Priory; and Castle Hill all lie within 0.8km of the site.

2.4 The application site is within Groundwater Source Protection Zone 2.

2.5 The site is located within the Safeguarding Area for RAF Honington.

2.6 The site is located within 1.6km of Breckland Special Area of Conservation (SAC) and Breckland Special Protection Area (SPA).

3. Planning History

3.1 The following planning applications are relevant to this application:

3.2 **Y/3/2011/3004** - Alterations and erection of single storey extension to provide office space and library area and installation of roof lights - Approved: 14/09/2011

3.3 **Y/3/2006/3023** - New extension for Form Children's Centre: Entrance extension and refurbishment of existing Nursery Rooms; Temporary relocation of 2 No Classbases to Mobile - Approved: 03/01/2007

3.4 **P03/2001/0031** - Proposed Standing of Prefabricated Unit for Day Care Centre - Approved: 20/08/2001

3.5 **03/1996/0278** - Erection of 26 place nursery unit with fenced play area - Approved: 09/05/1996

4. Planning Policy

4.1 Adopted Breckland Core : SS 1 Spatial strategy

	Strategy and Development Control Policies Development Plan Document (2009)		CP 4 CP 6 CP 8 CP 9 CP 10 CP 11 CP 12 CP 13 DC 1 DC 11 DC 12 DC 13 DC 14 DC 16 DC 17 DC 18 DC 19	Infrastructure Green Infrastructure Natural Resources Pollution and Waste Natural Environment Protection and enhancement of the landscape Energy Accessibility Protection of amenity Open Space Trees and landscape Flood risk Energy Generation and Efficiency Design Historic environment Community facilities, recreation and leisure Parking provision
4.2	Breckland Site Specific Policies and Proposals Development Plan Document (2012)	:		No site specific policies or allocations of direct relevance to the proposed development.
4.3	Thetford Area Action Plan DPD (2012)	:	TH 1 TH 4 TH 16 TH 18 TH 19	NPPF – Presumption in Favour of Sustainable Development Transport – Achieving Modal Shift Water and Drainage Archaeology Sustainable Construction Standards for Non-Residential Development
4.4	The National Planning Policy Framework (NPPF) (2012)	:	TH 35 Chapter 7 Chapter 8 Chapter 10 Chapter 11 Chapter 12	Community Buildings Requiring good design Promoting healthy communities Meeting the challenge of climate change, flooding and coastal change Conserving and enhancing the natural environment. Conserving and enhancing the historic environment

5. Consultations

- 5.1 Breckland District Council, Planning. : No objection subject to condition to secure access to the MUGA and playing field facilities for the wider community.

Recommend that conditions in relation to boundary treatment, landscaping and materials are also attached to any planning permission.

- | | | |
|-----|---|--|
| 5.2 | Breckland District Council, Environmental Health Officer. | : No objection, provided the development proceeds in line with the application details and subject to conditions in relation to noise from construction works and external lighting. |
| 5.3 | Thetford Town Council | : Comment as follows: <ul style="list-style-type: none"> • Loss of amenities/open space for local residents: this area is the one of the most poorly served in Thetford • Danger of flooding from runoff coming downhill to the end of the cul de sac from Lady's estate. • At certain times of the day the flow of traffic to the bottom of the cul de sac will be increased considerably and cars coming out of the cul de sac will run into heavy congestion. • Parking and turning have an impact on safety of pedestrians. • The traffic flows onto Croxton Road which also serves the academy and its 2000 pupils at the same times of the day. • The amenities must be made available to the wider community: there needs to be a plan for engaging the community and for the management of the amenities. • It is felt that this is a stop gap solution in an already over populated area when what is required is a new school to meet the longer term needs of the population. • Support our LCC Terry Jermy in his request for a site visit, during normal term times at the schools drop off and pick up times so that site visitors could experience the considerable inconvenience currently caused to the residents which is expected to be exacerbated by the planned expansion of the school. |
| 5.4 | Norfolk Historic Environment Service (NCC) | : No objection, subject to condition in relation to scheme of archaeological investigation |
| 5.5 | Highway Authority (NCC) | : No objection, subject to conditions in relation to: provision and retention of access, car and cycle parking; scheme for on-site parking of construction workers; Construction Traffic Management Plan; review of existing school travel plan. |

		Provide informatives in relation to car parking and school travel plan.
5.6	Senior Green Infrastructure Officer (NCC)	: No objection, subject to condition in relation to scheme of landscaping.
5.7	Ecologist (NCC)	: No objection
		Provides comments in relation to protected species.
5.8	Arboricultural and Woodland Officer (NCC)	: No objection, subject to the development being carried out in accordance with the Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan and, subject to condition in relation to landscape plan.
5.9	Norfolk Fire Service	: No response received
5.10	Local Flood Authority (NCC)	: Welcome the conditioning of detailed drainage design (as recommended by the Environment Agency) and suggest that consideration should be given to raising floor levels and the increasing of resilience within the existing developed area.
5.11	Sport England	: No objection.
		Provide informative in relation to guidance on securing community use of school sites.
5.12	Environment Agency	: No objection, subject to condition in relation to separation of oil from surface water drainage.
		Also recommend conditions in relation to unsuspected contamination and surface water disposal.
		Provide comments in relation to pollution prevention, groundwater and contaminated land.
		Whilst not raising objection in principle on flood risk grounds, express concern that the Flood Risk Assessment has not identified that the area is at risk of surface water flooding. Although there appears to be no historic instances of flooding, the updated Flood Map for Surface Water identifies the entire site to be at risk of flooding from the surrounding area. Recommend that this is investigated in greater detail.

		Comment that this redevelopment is an ideal opportunity to increase the resilience of existing buildings and potentially landscape the site so to direct the run off away from buildings. Further comment that consideration be given to ensuring floor levels are raised.
5.13	Anglian Water	: The consultation period has expired and no comment has been received at the time of writing this report.
5.14	Defence Infrastructure Organisation	: No response received
5.15	Network Rail	: No response received
5.16	The Thetford Society	: Raise objection on the following grounds: <ul style="list-style-type: none"> • Norfolk County Council has yet to resolve the potential traffic problems such a scheme will deliver. At the Town Council meeting (04.02.2015) the County Council promised to look at the parking problems and report back but, to date, it has not responded. • Croxton Road has to cope with a large number of vehicular movements throughout each week. The presence of the 2,000 pupil, 100+ staff Academy, the Health Centre, the Innovation Centre, the Leisure Centre, Military movements to the STANTA training area as well as residents of the Ladies' and Fairfield housing estates puts tremendous pressure on a road which was not designed to take such a volume of traffic. Especially concerning is the inadequate junction with the A1066, the Mundford Road. • The number of Academy pupils who either walk or cycle along the Mundford Road and Croxton Road creates an alarming safety issue. An extra 240 young people accessing the proposed development will exacerbate an already fraught situation. • The proposed removal of open recreational space flies in the face of the Government's drive to develop a fit and healthy society. The idea that NCC is willing to buy out the covenant of the area is seen by many tax

payers as diabolical which does not support a local community.

- The loss of amenity for the residents of Fairfields will be critical. At the moment, residents have to endure a chaotic scenario twice a day. With the proposed extension, accompanied by 240 pupils, this situation is designed to become far worse. This will be severely unfair to the many residents who have lived there for many years.
- The Thetford Society requests that before the planning application (Y/3/2014/3009) is determined the planning committee visits the proposed site at a time when either the present 180 pupils are entering or leaving the school premises. It is only by experiencing, at first hand, the chaotic scenes which residents have to endure each school day, will the committee have a clear picture of what they may inflict on the residents of Fairfields by supporting the application.
- With Thetford's Urban Extension around the corner, there should be ample opportunity for the planning teams to position and design schools which would meet the needs of an expanding community. This application appears to be shoehorning an extension into a totally inappropriate place.

5.17 Croxton Road
Community Association

: Raise objection on the following grounds:

- Consider that insufficient consideration has been given to the impact of increasing staff, pupil, parent and supply traffic:
- Traffic entering a cul de sac means that vehicles reverse when they have discharged or picked up their passengers. The situation morning and evening is chaotic now and a doubling of this will be intolerable for local residents and school users.
- We note that currently no busses are used, but that is bound to change when extra

years are added.

- All deliveries cannot be scheduled nor can the construction traffic be accommodated. Construction traffic will cause mayhem as the site is used all year.
- Lack of a traffic solution is likely to have severe safety issues. We note that use will be made of the school by two years old and above where space for parking parental cars while seeing their children into and out of class and maybe dealing with staff has been ignored. It is unrealistic to assume more walking and cycling will take place. Catchment distances extend to the extremity of the 'Ladies' Estate. There is the Croxton Road to cross and the majority of parents will not countenance letting young children walk that distance.
- Concern over loss of existing car parking spaces during construction stages and after. None of this is shown on drawings.
- This is one more loading being put upon Croxton Road: the lack of a solution to the Croxton Road/Mundford Road junction means a right turn stops all traffic as the road is too narrow. The Health Centre, Innovation Centre, Sports Centre, Stanford Road housing development, the Academy and new housing at Croxton have made travel impossible for residents.
- Removal of these open spaces would be a tragic loss of amenity to local residents and a further decline in our already deficient NPFA (National Playing Fields Association (now Fields in Trust)) standards: children play in these pastures, dog walkers exercise their pets.
- Question the conclusions of the submitted Flood Risk Assessment. Comment that Croxton Road floods with only a moderate amount of rainfall at the point where the traffic lights are and local residents down to the railway complain of high water tables in their gardens. The roads and gardens flood

after heavy rains. Additional building and paved areas will make the problem worse.

Also provide further comments as follows:

An extension of this nature would have an effect upon the whole Croxton Road community. It is therefore disappointing that notices were only provided to a few people.

The concept of cramming more usage into an already packed cul de sac is clearly a non-starter.

Suggest that building a completely new school (1 of 2) promised in the South Croxton development plans would enable a less costly and more satisfactory solution.

5.18 Local residents

: Support

Five letters of support for the proposed scheme have been received.

Objections and concerns

A petition to oppose the proposal, signed by 40 residents, has been received.

Objections and concerns are raised by a further 25 residents on the following grounds (which are summarised).

Traffic, car parking and road safety

Increased traffic

School is in a cul-de-sac

Estate infrastructure is not sufficient to sustain increase in vehicle traffic – the sole road off the estate is currently congested during school drop-off and collections times

Already congestion at junction of Croxton Road with Mundford Road

Concern with no implementation of drop-off zones, traffic calming, crossings or speed restrictions.

Ask where are the parent parking areas

No additional parking spaces are being provided for residents who already have issues with being

blocked in and damage to vehicles from traffic.

Parents park in front of our garages and driveways, and on grass verges and up kerbs

Danger to adults and children arising from parents driving their children to school

Risk of accidents arising from cars parking outside residents homes and at junctions

Challenge the Planning Committee to come between 08:30 and 09:00 hours and between 15:00 and 15:30 hours on a school day and speak to residents

I sometimes have to park my car off the estate due to overload of cars

Of 300 travel questionnaires sent to parents in September 2013 only 80 (26.7%) were returned; concern that there can not be a true representation of just how much the traffic will increase.

Concern that, in December 1991 the Fire Service had great difficulty gaining access via the road

Impact on residential amenity

Loss of privacy and increased noise arising from extension of school closer to homes and gardens

Increased noise level from increased number of students, increased traffic and construction activities

Impacts arising from potential non-educational use of the land during evenings and at weekends

Concern with damage to residential boundary fence and parked vehicles

Increased air pollution from increased traffic

A playing field adjacent our back garden will make the garden completely unusable

Would like to see part wooden / chain link fence changed for a higher more solid fence

Concern with children climbing up trees and looking into my garden

Ask why can't the school boundary be reduced so it's not along our back gardens

Visual impact

Loss of outlook

View of unsightly 6 foot wire fence around the playingfield from my kitchen window

View of uninspiring fence and car park

Open Space

Proposal does not meet criteria of paragraph 74 of the NPPF

Loss of open space for residents throughout the whole age spectrum, e.g. children to play, older children, family use, people to walk dogs or play sports

The public amenity green space was covenanted for 100 years when the Fairfield's Estate was developed

Understand that a 100 year law exists which states that no building should take place on either land beside Drake School.

The area is already lacking open space

No guarantee that school playingfield will be available for general use by residents

Concern with retrieval of objects kicked over / thrown from existing play area onto proposed fenced playingfield

Destruction of beautiful landscape

Location

Perceived loading of schools at this end of town

Concern with existence of large underground water storage tanks

Suggested alternatives

Combining Raleigh and Drake Schools into one

would require smaller scale expansion of Drake School

Full size sports areas are available 800m away at Thetford Academy, Croxton Road

Thetford already has an academy

Area in front of woodland on odd numbered side of estate would be more appropriate for parking as not overlooked by houses.

Cloverfields is a large estate which at present does not have any primary facilities; this estate would benefit from construction of an additional school

Plans for future housing development along the A11 bypass included plans for infant/junior school: question the need for a big extension to Drake Infant School

Consider that it would make more sense to locate a new school to the north of Thetford or on land adjacent to Thetford Academy.

Property Values

Concern with depreciation of property values

Community Involvement

No prior consultation with local residents

Why has there not been a residents meeting for us to air our views?

Neighbour notification

Residents of Woodlands estate, Fairfields, Clover Way, Barley Way and Highlands estate will be affected and should have been notified.

Concern with notification of change of use of open space

Concern with 21 day time-frame in which to respond.

5.19 District Councillor
(Guildhall Ward): Mr
Robert Kybird

: Supports the objections made by the Croxton Road Residents Association.

This Ward comprising approximately 6000 voting

residents has one of the poorest provisions of public open space in the entire Breckland District. Under normal circumstances it would be expected that an offsetting provision is made elsewhere, however, there is no available land for such provision within the Ward.

Thetford had a pioneering scheme entitled Healthy Thetford and it is essential that adequate open space is available for zero cost recreation. It is suggested that the sport facilities "could be made available" for public use. This is an essential planning condition in my view. In order that such facility cannot be withdrawn by future school management arrangements it would seem sensible that the sports facility becomes vested in a Community interest company, with equal school and community representation

- 5.20 County Councillor Mr Denis M Crawford : No comment received.

6. Assessment

6.1 Proposal

- 6.2 The proposal relates to the extension and expansion of Drake Infant School, to include the change of use of two areas of public open space to the north east and south west of the school to an educational use to allow the school to expand to a 420 place Primary School with additional parking provision and external sports provision for the school.

- 6.3 The proposed scheme consists of:

Change of use of two areas of existing open space for school use to include new car parking provision accessed via Fairfields, and external sports provision consisting of playing field and Multi use games area (MUGA).

Expansion of existing school to two form entry: works to include remodelling of the existing school and construction of two no. extensions (1,418m²) to house additional teaching and non-teaching accommodation;

Associated works including re-configuration of existing car park, relocation of existing cycle shelters and provision of new cycle shelters

6.4 The Site

- 6.5 There is insufficient land on the current Drake Infant school site to accommodate the development required for a 420 pupil school. Consequently, the application

site relates to the existing School and two adjoining areas of public open space to the north east and south west.

6.6 Situated within Fairfield, a residential area to the north of Thetford town centre, Drake Infants School was built in 1979 and is single-storey, of traditional construction with red facing brick, and brown concrete tiled pitched roofs. The school has been extended over the years and more recently with a single storey extension to provide office space and library area.

6.7 Vehicular and pedestrian access to the school is proposed to be via the existing access from Fairfield, a cul-de-sac which ends in a turning head at Drake Infants School. Fairfield also serves residential dwellings on Fairfield, Barley Way and Clover Way.

6.8 The application site is bounded by a mixture of metal palisade fencing, timber fencing, established trees and hedging, car parking spaces and concrete footpaths.

6.9 **Principle of development**

6.10 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”.

6.11 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 Breckland Core Strategy and Development Control Policies Development Plan Document (2009), the Breckland Site Specific Policies and Proposals Development Plan Document (2012) and the Thetford Area Action Plan DPD (2012). Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) are also a further material consideration of potentially significant weight.

6.12 The Breckland Site Specific Policies and Proposals DPD has gone through the formal Examination process and was adopted by Breckland Council in January 2012. The proposed site has not been allocated in the Site Specific Policies and Proposals DPD.

6.13 With the introduction of new legislation, Breckland Council has started work on reviewing its current plans and policies for the District and working towards the production of a new single ‘Local Plan’. The first consultation on the emerging Local Plan (the Issues and Options Local Plan) finished on 9 January 2015. The emerging Local Plan is therefore apportioned little weight.

6.14 The application site falls within the defined settlement boundary of Thetford. The

Breckland Core Strategy Policy SS 1: *Spatial Strategy*, recognises Thetford as the focus for growth in Breckland and identifies the town as the principal retail, service and employment centre in the south of the District. Policy SS 1 further identifies that the town centre will be the subject of major regeneration and with expanded retail, leisure, cultural and educational facilities will become a civic hub bringing together existing and new communities. The principle of new development within the settlement is considered to be acceptable.

- 6.15 Breckland CS Policy CP 4 aims to secure the physical infrastructure to support the requirements of education, particularly new primary school provision in Thetford.
- 6.16 Within Section 8, Paragraph 72 of the NPPF, the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and places great weight to the need to create, expand or alter schools.
- 6.17 Similar principles are also set out in the Department for Communities and Local Government (DCLG) Ministerial Policy Statement - *planning for schools development* (2011), which emphasises the commitment to increasing both the number of school places and choice and opportunity in the state-funded sector and makes it clear that there should be a presumption in favour of the development of state-funded schools.
- 6.18 Policy DC 18 of the Breckland CS supports sustainable proposals for community facilities, recreation and leisure in accessible locations. In this case, the proposal includes a new MUGA and new sports pitches which members of the community and community groups will possibly have access to.
- 6.19 The application is supported by a Design and Access (D&A) Statement which states that as part of the changes to the Thetford North Area of Primary Phases Schools from September 2016, Drake Infant School is proposed to grow year by year to become a Primary School (Reception through to Year 6) with 60 places in each year group.
- 6.20 The Applicant in justifying the need for the extended and expanded school states that, current indications are that much of the initial growth in Thetford will take place closer to the Admirals Academy / Raleigh Infant & Nursery campus and so pressure is likely to fall on these two schools first. Admirals Academy is currently fed by two infants schools, these being Raleigh Infants (which shares its campus with Admirals Academy), and Drake Infants. Steps have already been taken to increase the capacity at Admirals Academy and Raleigh Infants and it is envisaged they will operate as a single Primary, with three forms of entry moving through all seven year groups from 2016. If adopted this will mean there will be insufficient space at Admirals Academy for the pupils at Drake Infants to transfer at year four. Therefore an inevitable consequence of reorganising Admirals / Raleigh campus is the need for additional provision and reorganisation at Drake Infants.
- 6.21 The Drake Infant School and Nursery Site has previously been developed to provide the existing 180 roll Infant school and Nursery. If this application is granted it will increase the capacity of the school to 420 pupils with a two

form entry (2FE).

- 6.22 The existing school roll is 180. The applicant indicates that from September 2016, the age range at Drake will change from 3-7 to 3-11 and there are expected to be 240 on roll, when the new building is expected to be ready. Expansion of the roll is anticipated to happen in a phased way with the school retaining successive year groups from that point forwards. So, for this first year the school will keep its Yr3 pupils, who previously would have transferred to a Junior school. In each subsequent year this pattern will be repeated, with each cohort being retained in the school until they reach Yr6 and transfer to secondary education. Therefore, numbers will continue to increase year on year until 2019, when the full complement of 420 pupils will be reached.

The year by year breakdown is as follows:

2015 - 180

2016 - 240

2017 - 300

2018 - 360

2019 – 420

- 6.23 Whilst the principle of the use of the existing school complex is already established, the application site includes two areas of public open space; the principle of the use of the application site as a school is therefore not established. The determination of the application must be made in accordance with the development plan, unless material considerations indicate otherwise.

6.24 **Design**

- 6.25 Breckland CS Policies CP 11 and DC 16 require all development to be designed to a high quality, respecting the character of areas.

- 6.26 The above principles are also contained within the NPPF Part 7: *Requiring good design*.

- 6.27 The two no. proposed extensions comprise a large extension to the north eastern elevation of the existing school building and a modest extension to the south eastern elevation. The extension would double the floor area of the existing school building. In terms of the internal layout, all classrooms are planned in groups of two and are accessible both from the existing school building and from the outdoors via a central corridor. Central to the proposed north western elevation is the new large hall which is accessible both from the existing hall and new central corridor, and around which are located ancillary stores and servery.

- 6.28 The proposed extension is single-storey; the proposed hall and south eastern extension have pitched roofs, and the remainder of the proposed north eastern extension has low mono-pitch roofs with a flat roof over the central corridor. This follows similar principles to design and scale of the existing school building. The proposed modest, south east extension is to be located to the rear of the existing building therefore views from the street frontage will be restricted. Whilst the proposed larger, north western extension which fronts onto Fairfields would be visible from the street frontage, given the single-storey nature of the development, it is considered that the proposal would not compete in scale with

the existing school building and is unlikely to have any detrimental impact upon the established characteristics of the existing school buildings. In addition, appropriate landscaping to the site will help soften the impact of the proposal on the existing residential setting of the area.

- 6.29 In terms of the external appearance, a palette of materials has been chosen to ensure the proposed development is in-keeping with the existing building, whilst providing elements of interest and variation. It is intended to construct the development using the following materials: red brick, timber boarding, dark red or brown concrete pan tile roof system with 64 photo voltaic panels above, and light grey aluminium door and window frames, with coloured sliding doors. Fencing is a mixture of galvanised bow top and weld mesh. This approach is considered acceptable. To ensure the materials are appropriate and in the interests of visual amenity and the character of the area, it is intended to impose a condition on any grant of planning permission requiring the submission of sample materials to be approved prior to the commencement of the development.
- 6.30 The layout of the proposed development is considered to work well. Pedestrian access to the development would be available via proposed hard surfacing through the site to the proposed north eastern extension, and to both extensions through the existing school building itself.
- 6.31 Breckland Council has been consulted on this application; whilst not raising objection the District Council recommends that a condition in relation to materials is also attached to any planning permission.
- 6.32 It is considered that the proposed development is acceptable in terms of design, scale, massing and appearance (subject to condition) in the locality, and is in accordance with the relevant national and local design policies.
- 6.33 **Landscape and Trees**
- 6.34 Breckland Core Strategy policy CP 11 seeks the protection and enhancement of landscape and settlement character, and states that development should take opportunities to enhance the character and appearance of the area and contribute to creating a sense of local distinctiveness. Policy DC 12 recommends the retention of existing trees where achievable and replacement planting to mitigate any loss. Section 11 of the NPPF encourages the protection and enhancement of landscapes.
- 6.35 The application site comprises amenity grassland in the form of school playing field and two areas of public open green space, and areas of concrete playground and car park. There are also established hedgerows, trees and ornamental planting within and along the perimeter of the application site. The application site does not lie within a Conservation Area.
- 6.36 The application is supported by an Arboricultural Report which includes an Arboricultural Impact Assessment (AIA) and Tree Protection Plan. Whilst the design has sought to retain existing planting where possible, the AIA concludes that the following trees will have to be removed to facilitate the proposed development:

Group 1 – Silver Birch, Cherry, Hawthorn, Ash, Field Maple

Group 2 - Field Maple, Hornbeam

Group 7 – Field Maple, Hawthorn, Rowan, Ash, Hazel

Tree 519 – Silver Birch

Tree 520 – Silver Birch

Tree 521 – Silver Birch

Tree 523 - Oak

Tree 524 - Oak

- 6.37 It will also be necessary to carry out facilitation pruning of some trees which overhang the proposed car park access driveway and proposed playing field to allow suitable ground clearance for access.
- 6.38 The remainder of the trees around the site to be retained will be adequately protected by fencing during construction.
- 6.39 To mitigate the loss of trees and enhance the site a landscaping plan forms part of the application submission and includes new sports pitches, a new MUGA, hard and soft play areas, extensive new tree and hedge planting along the boundaries, and orchard style planting and hedging elsewhere within the school grounds.
- 6.40 The proposal includes construction of two no. extensions: the location of the development, the sympathetic use of materials for and single-storey nature of the development, and boundary treatments help to integrate the proposal into its residential location, and the visual impact of the proposed buildings is not considered to be significant. Taking into account the above, the proposal would not cause such harm to the established residential location as would support a reason for refusal.
- 6.41 Breckland Council has been consulted on this application; whilst not raising objection the District Council recommends that conditions in relation to boundary treatment and landscaping are also attached to any planning permission.
- 6.42 The Council's Senior Arboriculture & Woodland Officer, and Green Infrastructure Officer have been consulted on this application. The Arboricultural Officer does not raise an objection to the proposed development, subject to conditions regarding the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, and a landscaping plan (with detailed specification for planting and maintenance) being imposed on any grant of planning permission. The Green Infrastructure Officer does not raise objection and recommends a condition in relation to scheme of landscaping. These would seem to be reasonable requests.
- 6.43 Given the above, the application is not considered to be in conflict with Breckland Core Strategy policies CP 11 and DC 12, and the aims and objectives of Section 11 of the NPPF.
- 6.44 **Biodiversity**
- 6.45 Breckland Core Strategy Policy CP 10 seeks to enhance biodiversity

interests. Part 11 of the NPPF also advocates conservation and enhancement of biodiversity.

6.46 The application site is not located within or adjacent to any identified nature conservation area. The habitats present within the application site comprise of buildings, amenity grassland, tree/shrub planting, hedgerows and hardstanding.

6.47 The proposal is also accompanied by a Phase 1 habitat survey. The survey recommends a number of mitigation measures to ensure the risk of works harming valuable habitats and/or birds and animals is reduced. The survey concludes that the site has very limited potential to support any protected species and the majority of habitats which could be developed are of low ecological value.

6.48 However, it is feasible that low numbers of bats could use the existing school building, most likely as a temporary summer roost. The appraisal recommends that, if any works to the roofs of the building or demolition is required that, an inspection is undertaken to investigate the potential for roosting bats before any such works commence. Any such works to the roofs, or demolition works, would only then be permissible if the bat roost investigation found no evidence of roosting bats, or if a European Protected Species licence were obtained following an appropriate level of investigation.

6.49 The Council's Ecologist, has considered the application and is satisfied with the recommendations set out in the Phase 1 habitat survey.

6.50 Accordingly, it is considered that the proposed development is in accordance with Policy CP 10 of the Breckland CS, and objectives of the NPPF.

6.51 Habitat Regulations

The site is located within 5km of of Breckland Special Area of Conservation (SAC) and Breckland Special Protection Area (SPA), both of which are European protected sites. 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 does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

6.52 **Loss of public open space**

6.53 Breckland CS policy CP 6 seeks the protection of green infrastructure, which includes amenity space, whilst Policy DC 11 states that, development that would result in the loss of existing sport, recreational or amenity open space will only be permitted if:

- an excess of recreational or amenity space can be demonstrated through a local assessment; and
- recreational facilities within the open space will be enhanced; or

- the community would gain greater benefit from a suitable alternative recreational or amenity provision elsewhere in an equally accessible and convenient location.
- 6.54 Section 8 of the NPPF supports access to high quality open spaces, whilst Section 8, para. 74 states that, *Existing open space, sports and recreational buildings and land, should not be built on unless:*
- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*
- 6.55 As detailed elsewhere in this report, Section 8, Paragraph 72 of the NPPF places great weight on the need to create, expand or alter schools
- 6.56 The proposal includes change of use of two areas of public open space, to the north east and south west of the existing school site, to educational use. The proposed works will involve development on these two areas, to include formation of a new car parking area on part of the land to the south west, and new school extension, installation of a Multi Use Games Area (MUGA) and playing field on the land to the north east. Both parcels of land are designated on the existing adopted Breckland Core Strategy Proposals Map as 'Open Space', and function as informal recreation areas and green space. The areas are publicly accessible and serve the immediate local community.
- 6.57 Concern has been expressed by Thetford Town Council, the Thetford Society, Croxton Road Community Association and local residents in relation to the loss of open space.
- 6.58 The Breckland Open Space Assessment 2010 (update) does identify deficiencies in outdoor sports facilities and children's play space in Thetford. The open space audit highlights the need for protection of all existing open spaces.
- 6.59 The application is accompanied by an Open Space Assessment which acknowledges the deficiency in open space provision within Thetford. The report concludes that, the proposal will result in a slight reduction in the overall quantity of open space provision, but will still retain the wider visual functions that they perform. The assessment also concludes that there will be an overall enhancement of qualitative provision in that the proposed works include:-
- the enhancement of the existing larger parcel of land to the north east which is currently susceptible to flooding and thereby limits its use
 - possible use by the community of the facilities subject to agreement by the school.

The assessment further concludes that the proposals will deliver strong/enhanced educational benefits for Thetford and the immediate area.

- 6.60 The proposed works on the north east parcel include installation of new land drains, creation of a new playing field and a new 37.5m x 18.5m MUGA with 3m high fencing around the perimeter of the MUGA.
- 6.61 Breckland District Council raise no objection to the proposal, subject to the imposition of a condition to secure access to the MUGA and playing field facilities for the wider community. Given the deficiencies in outdoor sports facilities and children's play space in Thetford, this would seem to be a reasonable request. The applicant has indicated that he would be willing to proceed with a condition that seeks to ensure wider community access.
- 6.62 Sport England have been consulted on this application and do not raise any objections to the proposal. In their consultation response, Sport England state the following:
- In this instance, although the proposal will result in a loss of land used as public open space for informal recreation, the enclosure of this land within the school boundary will allow the school to mark out formal sports pitch provision for the first time on the new playing field (the plans indicate a mini-soccer pitch of approx. size 60m x 40m). In addition, the school will benefit from the addition of the new multi-use games area (MUGA) for formal and informal sport, and the addition of a new larger internal hall will improve the school's indoor sports provision for the delivery of the PE curriculum.*
- Given that the proposal will result in the loss of public open space, Sport England advise that the school should consider making the new sports facilities available to the wider public.
- 6.63 Whilst it is acknowledged that the proposal will result in the loss of overall amenity space provision within Thetford, this is balanced against the benefits of the proposed development, which include creation of a new school extension and hard play area and, enhancement of recreational facilities within the open space in the form of a new formal area of recreation provision and MUGA, for use by the school and which would be made available for wider community use.
- 6.64 Subject to planning condition to secure community use of the MUGA and new playing field, to mitigate the loss of amenity open space, it is therefore considered that the proposed development is compliant with the requirements of Policies CP 6 and DC 11 of the Breckland CS and Para 74 of the NPPF.
- 6.65 **Archaeology and Historic Environment**
- 6.66 Breckland CS policy DC 17 expects new development to preserve and enhance the character, appearance and setting of Conservation Areas and Scheduled Monuments, and also identifies requirement for archaeological field evaluation in cases where development coincides with the location of a known or suspected archaeological interest.
- 6.67 As regards the Thetford Area Action Plan DPD, the site is not located within the Area of Main Archaeological Interest as defined in the Action Plan. Policy TH 18 of the Action Plan states that, in locations outside of the Area of Main Archaeological Interest, where there is no overriding case for any remains to be preserved in situ, Planning Permission for development which would destroy or

disturb potential remains will be granted subject to an appropriate programme of archaeological investigation and recording.

- 6.68 Section 12 of the NPPF seeks the conservation and enhancement of the historic environment.
- 6.69 The application site is not located within or adjacent to any identified heritage asset. The nearest conservation area is Thetford, some 0.5km south of the school site, separated by residential development. Four Scheduled Ancient Monuments, (Thetford Saxon Town; Melford Bridge; Cluniac Priory; and Castle Hill) all lie within 0.8km of the site.
- 6.70 As regards Thetford Conservation Area and nearby Scheduled Ancient Monuments, given the proposed location, design and external appearance of the development and, screening afforded by existing development, it is therefore considered that the design of the proposal would not adversely impact on the character, appearance, setting or views into or out of the Conservation Area, or setting of the Scheduled Ancient Monuments.
- 6.71 Although there is no Conservation Area or Scheduled Ancient Mounment in the vicinity of the application site and none of the buildings on or near the application site are identified as listed buildings, Norfolk Historic Environment Service (NHES) consider that the proposed development site *is a small, preserved part of a historic landscape and* has potential to contain archaeological interests.
- 6.72 The Council's Senior Historic Environment Officer has reviewed the application submission and recommends that a scheme of archaeological investigation be undertaken.

In the consultation response the officer states the following:

The site is a small, preserved part of a historic landscape within a larger area where the historic aspects of that landscape have been compromised. It sits on a south facing slope between an Iron Age religious centre at Fison's Way and the Iron Age earthworks at Thetford Castle. The relationship between the two sites is far from clear – the earlier phases of Fison's Way are contemporary with the castle earthworks, and comprise relatively high status features (burials on a prominent ridge, with a surrounding enclosure), while the castle earthworks are equally a symbol of power and status. What is less clear is who these status displays are aimed at, and where they live, and there is potential for occupation deposits within the proposed development area. The site also sits within a complex of early medieval settlements and cemeteries, situated to the west and the east, that predate the urbanisation of Thetford. The surrounding housing estates deny the usual evidence of casual finds and metal detecting.

- 6.73 Accordingly, if planning permission is granted NHES have requested that pre-commencement conditions be applied to ensure an Archaeological Written Scheme of Investigation be submitted to and approved, in writing, by the CPA. This would seem to be a reasonable request.

- 6.74 Accordingly, it is considered that the proposed development is in accordance with Breckland Core Strategy Policy DC 17, Thetford Area Action Plan DPD Policy TH 18 and the NPPF Chapter 12.
- 6.75 **Highways and Traffic**
- 6.76 Breckland CS policy CP 4 aims to ensure access and safety concerns are resolved within all new developments, whilst policy CP 13 aims to ensure that education facilities are located in appropriate areas to allow for ease of access by multiple methods of transportation. Policy CP 13 further requires submission of travel plans for major schemes or those schemes where there are significant transport implications, whilst Policy DC 19 seeks appropriate parking provision.
- 6.77 Policy TH 4 of the Thetford Area Action Plan DPD (2012) states that all new development will be assessed in terms of its ability to contribute to the achievement of modal shift (including pedestrian and cycle accessibility and access to public transport), its impact on the road network and the environmental impact of traffic generated, whilst Policy TH 5 seeks to avoid adverse effects from new development on the movement of pedestrians, cyclists and public transport.
- 6.78 Section 4 of the NPPF advocates sustainable travel: it promotes safe and suitable access for all modes, encourages minimising the need to travel and maximising the use of sustainable transport modes. Paragraph 32 of the NPPF states that, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.79 The consultation response from Thetford Town Council and representations from the Thetford Society, Croxton Road Community Association and local residents indicate that there is a perceived high level of danger and impact on amenity arising from increased vehicle traffic.
- 6.80 A Design and Access Statement accompanies the application submission which covers car parking standards, car and cycle parking provision. The application is also supported by a School Travel Plan (to encourage alternative modes of transport).
- 6.81 The proposed development is for the school to be extended to allow for 2 form entry (2FE). The school when fully operational is to accommodate 420 pupils on roll and 70 equivalent full-time staff.
- 6.82 Vehicular and pedestrian access to the school is via Fairfields, a residential 'no-through' road which serves to provide access from Croxton Road to residential properties on Fairfields, Barley Way and Clover Way and to the school itself. Within a predominantly residential area of Thetford, Fairfields is currently subject to a 30 mph speed limit. At the end of Fairfields there are three cul-de-sac arms which all benefit from an area for vehicles to both turn and park on highway; these areas are used by both residents for parking and parents vehicles at school drop off / pick up times. At present there are advisory School Keep Clear (SKC) markings at the south-eastern end of Fairfields (round the existing turning

head / on street parking area / access to Drakes Infant School).

- 6.83 With regard to proposed vehicular access to the school and parking arrangements, it is intended that the site will continue to use the existing access from Fairfields. Submitted plans show the re-configuration of the existing car park to accommodate 21 standard bays and 2 disabled bays and provision of new car parking south west of the existing school site, accessed via a new access drive from Fairfields, and providing 46 new car parking bays, thereby providing a total of 69 bays.
- 6.84 With regard to pedestrian access to the school, existing access is via the public footpaths off Fairfields. Submitted plans show the removal of an existing gateway and point of access in the north west corner of the existing school grounds and formation of a new pedestrian access from the public footpath to the north west, allowing direct entry to the new hard play area.
- 6.85 The existing two no. cycle shelters at the school accommodate 20 cycles. It is proposed to relocate the existing shelters to a new position close to the existing car park and to provide additional cycle shelters designated for 10 pupils cycles.
- 6.86 The supporting School Travel Plan reveals that 47% of pupils walk to school, 12% cycle and 41% arrive at school by car. The Travel Plan acknowledges that congestion is caused by parents at drop-off and pick-up times, and sets out the schools ambition to reduce the number of staff who travel to school by car, by 15% over a three year period, with a similar reduction in the number of children who travel to school by car, also over a three year period. The Travel Plan sets out a range of measures to achieve these objectives.
- 6.87 The Council's Highway Engineer has reviewed the application submission and visited the site; and whilst it is accepted that the proposal will result in an increase in vehicular activity within the immediate vicinity of the school and further on street parking could potentially cause a further nuisance to local residents, this would not result in a significant highway safety concern and it is not felt that this would substantiate a highway objection to the proposal, subject to the imposition of conditions regarding provision and retention of access, car and cycle parking; scheme for on-site parking of construction workers; Construction Traffic Management Plan and review of existing school travel plan, on any grant of planning permission. Given the nature of the proposal, this would seem to be a reasonable request.
- 6.88 The surrounding roads are residential in character and whilst it is acknowledged that the proposed development will result in further traffic and pedestrian activity, at drop-off and pick-up times, this is typical of most schools. The Highway Authority comments that the pedestrian network in the vicinity of the site is good, with continuous footway provision linking the school to surrounding residential areas. There are a number of crossing points of Croxton Road available including signalised crossing and pedestrian refuge islands. Given the localised catchment area of the school and the comprehensive footway network the opportunity to access the school from the adjacent large residential area by more sustainable modes

such as by foot / bicycle is good. The Highway Authority considers that the school will have a key role in addressing some of the public nuisance issues raised, which can be addressed in part via a new school travel plan.

- 6.89 Subject to provision and retention of access, car and cycle parking, a scheme for on-site parking of construction workers, Construction Traffic Management Plan and a review of the existing school travel plan (to encourage alternative sustainable modes of transport), it is considered that the proposed development is not in conflict with Development Plan Policies and Section 4 of the NPPF.
- 6.90 **Sustainability**
- 6.91 Breckland CS Policy CP 9 requires development to make all opportunities to utilise sustainable construction technologies, whilst policy DC 14 promotes and supports sustainable building forms and construction, and expects all new development above 1,000m² to supply at least 10% of the energy they require through on-site and/or decentralised renewable sources. Policy CP 12 encourages the provision of renewable and low-carbon energy technologies through new development, whilst policy DC 15 encourages renewable energy.
- 6.92 Policy TH 19 of the Thetford Area Action Plan DPD (2012) requires all new and adapted non-residential development above 1,000sqm to be developed to BREEAM 'excellent' standard unless such requirements would render a particular development economically unviable.
- 6.93 A BREEAM (Building Research Establishment Environmental Assessment Method) assessment uses recognised measures of performance, which are set against established benchmarks, to evaluate a building's specification, design, construction and use.
- 6.94 Section 10 of the NPPF expects new development to take account of local policies in decentralised energy, landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.95 The design of the proposal incorporates a number of sustainable elements, including provision of 64 photo voltaic panels on the south east facing roof pitch, use of natural lighting and ventilation, high efficiency gas heating, low water usage fittings and improved levels of thermal insulation to existing areas. The applicant's agent states that the proposed photo voltaic panels will supply approximately 14.3% of the development's energy requirements, which clearly exceeds the 10% requirement as required under policy DC 14. The proposed buildings would also be resilient to the impacts of climate change by way of their permanent construction.
- 6.96 As regards Policy TH 19, additional details relating to construction standards were requested during the application process. The applicant's agent advises that the total capital budget allocation to deliver the scheme did not include an allowance to deliver a BREEAM 'excellent' project. A cost impact assessment has been undertaken to understand what implications would arise in respect of bringing the proposed project works to a BREEAM 'excellent' rating. The results of the analysis indicate that designing the building or adding elements

retrospectively in order to bring this up to BREEAM 'excellent' rating would render this scheme economically unviable in that it would exceed the client's allocated capital budget provision.

- 6.97 Policy TH 19 acknowledges that there may be cases where it is not possible to deliver development to the stated BREEAM 'excellent' standard, i.e. where it is demonstrated that this would render the scheme economically unviable. Although it is disappointing that the development will not be developed to BREEAM 'excellent' standard, the argument put forward by the Applicant is accepted in this instance.
- 6.98 It is considered, on balance, that the proposed development, providing the benefit of additional school facilities to meet a current identified local need, outweighs any conflict with policy TH 19.
- 6.99 Breckland District Council has been consulted on this application and has raised no objection on sustainability grounds.
- 6.100 In accordance with national and local planning policies it is a requirement of this scheme to limit its impact on the environment. The sustainability measures proposed are deemed sufficient to ensure compliance with Policies CP 9, CP 12, DC 14 and DC 15 of the Breckland DC CS, policy TH 19 of the Thetford Area Action Plan DPD, and Section 10 of the NPPF.
- 6.101 **Impact on residential Amenity**
- 6.102 Breckland CS Policy CP 9 requires emission of pollutants in terms of noise, odour and light to be minimised, whilst policy DC 1 aims to protect the residential amenity of neighbouring occupants. Part 11 of the NPPF seeks to limit impact of noise and light pollution from new development.
- 6.103 Concern has been expressed by local residents in relation to the perceived impacts on amenity arising from increased noise and air pollution.
- 6.104 The application site is situated within a residential area. Residential development bounds the site to the northeast and southwest, a play-area and residential development to the northwest, and a railway line to the south east.
- 6.105 The nearest residential properties are situated on Fairfields which bounds the northwestern and southwestern boundaries of the application site, and on Woodlands Close which bounds the northeastern boundary of the site. Whilst the proposal offers windows facing these boundaries, the proposed extensions are sited some distance from neighbouring dwellings and partial screening for the development is provided by existing boundary treatments.
- 6.106 The submitted Design and Access Statement states that external lighting will be provided to the perimeter of the building and in the car park. The building perimeter lighting will consist of wall mounted bulk head luminaires and the car park lighting will consist of ground mounted bollard luminaires and two no. luminaires mounted on 5m high columns. No flood lighting is proposed for the MUGA or playing field.

- 6.107 The external lighting will be controlled via a photo-cell and time switch.
- 6.108 The development is to be provided with a heat recovery mechanical ventilation system.
- 6.109 The existing school backs onto a railway line. The proposed development will not bring the school buildings any closer to the railway line.
- 6.110 The proposal is also supported by a Noise Survey and Assessment which concludes that external noise at the location of the proposed new extension is not a problem and classrooms and other areas can be ventilated using opening windows.
- 6.111 Breckland District Council as Local Planning Authority and Breckland Environmental Health (EHO) have reviewed the application and raise no objection on amenity grounds, subject to conditions in relation to noise limit from construction works and external lighting. This would seem to be a reasonable request. It is recommended that such conditions be imposed on any grant of planning permission. This will ensure there are sufficient measures to control and reduce the potential impacts on local residents during construction and once in operation.
- 6.112 Given the single-storey nature of the development, separation distances to residential properties and boundary treatments, it is considered that the proposal would not cause any significant additional impact upon the amenities of occupiers of adjacent residential properties, by reason of overlooking, overshadowing, increased noise, light pollution or loss of privacy, in accordance with the aforementioned relevant national and local planning policies.
- 6.113 Overall, subject to conditions, the proposal is found to be in compliance with Breckland CS Policies CP 9 and DC 1, and the objectives of the NPPF.
- 6.114 **Flood Risk**
- 6.115 Breckland CS Policy CP 8 requires all new development to be located in such a way as to minimise its own risk of flooding and not materially increase the flood risk to other areas, whilst policy DC 13 requires new development to be located in areas at least risk of flooding.
- 6.116 Policy TH 16 of the Thetford Area Action Plan DPD (2012) requires new development to seek opportunities to reduce the causes and impacts of flooding (both strategic and local flood risk).
- 6.117 Part 10 of the NPPF sets out how planning should provide resilience to the impacts of climate change, and take full account of flood risk.
- 6.118 According to the Environment Agency flood map, the application site is located within Flood Zone 1; therefore there is a low risk of tidal and fluvial flooding.
- 6.119 Concern has been raised by the Environment Agency (EA), Thetford Town Council and Croxton Road Community Association in relation to surface water run-off.
- 6.120 The application is accompanied by a Flood Risk Assessment and Drainage

Strategy. It is proposed that surface water run-off from the building extension and associated new car park will drain into the ground via two new soakaways. It is also proposed to replace an existing soakaway to improve its efficiency. The Assessment concludes that surface water runoff will not increase flood risk in adjoining areas.

- 6.121 The Environment Agency, Anglian Water and Lead Local Flood Authority have been consulted on the application.
- 6.122 Whilst not raising objection in-principle to the proposed development on flood risk grounds, the Environment Agency, are concerned that the Flood Risk Assessment has not identified that the area is at risk of surface water flooding. Although there appears to be no historic instances of flooding, the updated Flood Map for Surface Water (2013) identifies the entire site to be at risk of flooding from the surrounding area and the EA recommend that this is investigated in greater detail. The EA recommends a condition in relation to a scheme for surface water disposal. The EA further considers that this redevelopment is an opportunity to increase the resilience of existing and proposed buildings (raising floor levels and flood resilient construction).
- 6.123 The Lead Local Flood Authority has reviewed the application submission; the authority welcomes the conditioning of detailed drainage design (as recommended by the Environment Agency) and suggests that consideration should be given to raising floor levels and the increasing of resilience within the existing developed area.

In the consultation response the officer states the following:

The school and proposed development is located within an area of significant surface water pooling as indicated by the Environment Agency's Update Flood Map for Surface Water. In addition the Breckland Strategic Flood Risk Assessment (SFRA) highlighted sewer surcharging in the Fairfield's area of Thetford. This reference is supported by the installation of additional storm water attenuation and storage facilities to the North East of the site by Anglian Water. It seems this provision was made in 2007 and was primarily intended to provide additional capacity for their sewer system. This provision is acknowledged within the Design and Access Statement accompanying the application.

The conditioning of detailed drainage design (as recommended by the Environment Agency) is welcomed however it should be noted that infiltration may not be suitable on site (if there is poor infiltration or high water tables). In such circumstances it is prudent to consider other approaches to draining the site. The only surface water connection that crosses the railway line is the Anglian Water surface water sewer. This is likely to be constrained and as such any future connection would have to include appropriate attenuation of flows to ensure that water can be released into the sewer once storm flows have receded. Early discussions with Anglian Water are recommended.

As not all risk can be mitigated through attenuation or discharge of water to the ground or offsite, consideration should be given to raising floor levels and the

increasing of resilience within the existing developed area. Whilst this may be seen as an added up front expense recent experience in extreme weather has highlighted the benefits of increasing resilience.

- 6.124 No response has been received from the consultation with Anglian Water.
- 6.125 During the application process additional details relating to flood risk were requested. As regards the use of soakaways for disposal of surface water generated from this development, the agent advises this decision was based on anticipated geology which has been verified from the findings of ground investigation reports. No ground water was encountered.
- 6.126 As regards the resilience of existing and proposed buildings, the agent advises that there is a 1m+ fall across the site from the higher north west to the lower south east boundary. The ground levels at the existing school building / proposed extension are some 800mm higher than the low area on the south east boundary of the enlarged site. The applicant's agent concludes that in this instance there is no need to raise floor levels and provide flood resilient construction.
- 6.127 It is therefore considered that, subject to condition, the proposed development would not cause any adverse effects in terms of flood risk and complies satisfactorily with Policies CP 8 and DC 13 of the Breckland CS, Policy TH 16 of the Thetford Area Action Plan and section 10 of the NPPF.
- 6.128 It is therefore considered, taking into account the above, that the flood risk issues have been adequately addressed.
- 6.129 **Foul / Surface water drainage**
- 6.130 Breckland CS Policy CP 8 requires that development must not cause a deterioration in water quality, whilst policy DC 13 requires new development to incorporate suitable measures to deal with surface water.
- 6.131 Policy TH 16 of the Thetford Area Action Plan DPD (2012) requires that all new development must be served by separate surface water and wastewater drainage. No new development will be permitted to discharge surface water run off to foul drainage connections.
- 6.132 According to the Environment Agency, the application site is located within an Environment Agency groundwater Source Protection Zone 2, overlying a principal aquifer, (part of the Cam and Ely Ouse Chalk groundwater body, an EU Water Framework Directive Drinking Water Protected Area).
- 6.133 The development proposes a connection to the existing foul drainage system for management of foul water whilst, as detailed in the flood risk section above, it is proposed that surface water run-off from the building extension and car park will be directed into new soakaways.
- 6.134 The Environment Agency has been consulted on this application and raises no objection in relation to pollution of the water environment, subject to condition to require a system of oil separation from surface water drainage from the car parking area. As also detailed in the flood risk section above, the EA further

recommends a condition in relation to a scheme for surface water disposal. Given the high environmental sensitivity of the site these would seem to be reasonable requests.

- 6.135 Given the above, it is therefore considered that, subject to conditions, the proposed development would not cause any adverse effects in terms of groundwater pollution, and the proposal complies with Core Strategy policies CP 8 and DC 13, Policy TH 16 of the Thetford Area Action Plan and, the aims and objectives of the NPPF.

6.136 **Contaminated Land**

- 6.137 The application sets out that the site is not located within an area known or suspected as containing contamination. The Environment Agency (EA) has been consulted on the application and do not consider this site a high priority. However, in order to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses, if planning permission is granted, the EA recommend that a condition be applied to ensure a remediation strategy is submitted in the event that any unsuspected contamination is found to be present. Given the vulnerability of the site to pollution this would seem to be a reasonable request.

6.138 **Airfield Safeguarding**

- 6.139 The site is situated within the bird strike consultation area for RAF Honington. No response has been received from the consultation with MoD Safeguarding. The proposal is not considered to impact upon this Safeguarding Area.

6.140 **Responses to the representations received**

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

- 6.142 A number of concerns/objections were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.

6.143 *Need to expand Drake Infants*

A number of local residents have questioned the need for the proposed extension to Drake Infants given the primary education provisions of the Thetford Area Action Plan.

Policy TH 33 of the adopted Area Action Plan states that the Thetford Urban Extension will require the building of three new 420 place Primary Schools, with nursery provision, within the new development. Three primary schools are also shown on Map 20.1 *Draft Masterplan for the Thetford Urban Extension*, within the Area Action Plan

In response to the concerns raised, the applicant has provided the following comments:

The expansion at Drake and the parallel reorganisation across Raleigh Infants and Admirals Junior is in response to increasing numbers of pupils in the area now. Raleigh Infants has already had to increase its Planned Admission Number to 90 to meet this pressure and space needs to be created across the cluster to allow this Admission Number to be sustained and for the pupils already in the Infants to have sufficient space to move through to Junior school. Retaining the Junior age pupils at Drake creates this additional capacity. The reorganisation of this cluster has already passed through the statutory process and has been approved...Children's Services consider the implementation of this determination notice as a statutory duty of NCC in pursuance of the notice and is therefore relevant to paragraph 72 of the NPPF.

Consultation is ongoing with the developers of the wider Thetford housing expansion proposals, but the new schools under consideration are planned to meet the demand generated from this housing. It will be some years before the first school can be built and will open for any new pupils.

6.144 *Residential boundary fencing*

In response to concerns raised by local residents in relation to potential damage to residential boundary fencing, the applicant has provided the following comments:

After reviewing this matter with our client, we can confirm that we would be amenable to accepting this as a condition before installation, thus allowing review with the school body.

6.145 *Restrictive Covenant*

As regards concerns raised in relation to a restrictive covenant to restrict the use of the public open space, a restrictive covenant is a private land interest and, as such, does not constitute a material planning consideration.

6.146 *Loss of outlook:*

As regards concerns raised by local residents regarding loss of view, the protection of a person's particular view from a property is not a material planning consideration.

6.147 *Property values:*

Concern has been expressed by local residents in relation to depreciation of property values, however, devaluation of property is not a material planning consideration.

6.148 *Community Involvement*

As regards concerns raised in relation to prior consultation with local residents, the applicant has submitted a copy of a Final determination report for the Director of Children's Services in relation to the proposal to create a two form entry school which details that, following a six week period of consultation with parents, governors and the local community in Thetford, a Public Notice was published by Norfolk County Council. Following publication of the Public Notice, the full proposal

was published on the Norfolk County Council website. No representations were received during the four-week period, however, one request was received for a copy of the full proposal from a resident of Fairfields, who was concerned about highways issues, both for the contractors appointed for the building expansion, and for parents.

6.149 *Neighbour notification:*

Concern is raised that a letter of notification in relation to the planning application was not received. In accordance with the requirements of the Town and Country Planning (Development Management Procedure)(England) Order 2010, notification of the application was undertaken using the above mentioned methods.

6.150 **Other matters**

6.151 Albeit land ownership is generally not a material planning consideration and therefore not relevant to planning, it is understood that the Breckland Cabinet at their meeting of 13th January 2015 considered the proposed disposal of the two areas of land adjacent to the Drake Infant School to Norfolk County Council to allow the expansion of the school. It was resolved that the two areas of land be transferred to Norfolk County Council.

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 for the extension and expansion of the school, external sports provision, additional car park and associated works.
- 11.2 The County Council has a statutory duty to provide sufficient school place provision. The applicant has justified the need for the extension and expansion of the existing school to deliver additional school places in this part of Thetford in response to a current increase in numbers of pupils in the area, and the application site, which includes two areas of public open space adjacent to the existing school, is the only land on which the school can extend.

- 11.3 The application site lies wholly within the settlement boundary and sufficient distance from adjacent property.
- 11.4 Whilst it is acknowledged that the proposal will result in the loss of overall amenity space provision within Thetford, this is balanced against the benefits of the proposed development, which include creation of a new school extension and hard play area and, enhancement of recreation facilities within the open space, for use by the school and local community.
- 11.5 Whilst it is acknowledged that the proposal will result in increased vehicular and pedestrian activity during pick-up and drop-off times, this will be limited. No objection is raised by the Highway Authority subject to the imposition of appropriately worded conditions on any grant of planning permission.
- 11.6 No other statutory consultee has raised any objections subject to the imposition of appropriately worded conditions on any grant of planning permission.
- 11.7 The proposed extension and expansion will enable the school to increase the number of school places available, thereby increasing the choice and opportunity for education in this area. In the context of paragraph 72 of the NPPF and the 2011 Ministerial Policy Statement on planning for schools development, this constitutes a significant benefit that carries great weight.
- 11.8 For the reasons detailed in this report, on balance, the proposed development is considered to be in accordance with the development plan and national planning guidance and there are no other material considerations why it should not be permitted. Accordingly, conditional full permission is recommended.

12. Conditions

- 12.1 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.
- 12.2 The development must be carried out in strict accordance with the submitted application form, plans and documents.
- Reason: For the avoidance of doubt and in the interests of proper planning.
- 12.3 No demolition/development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved by the County Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and
- a). The programme and methodology of site investigation and recording
 - b). The programme for post investigation assessment
 - c). Provision to be made for analysis of the site investigation and recording
 - d). Provision to be made for publication and dissemination of the analysis and records of the site investigation

- e). Provision to be made for archive deposition of the analysis and records of the site investigation
- f). Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason:

To provide for the planning programming of archaeological observations, to ensure the assessment of the value of any archaeological remains, in accordance with policy DC 17 of the Breckland Core Strategy.

- 12.4 Development shall not commence until a scheme to install a system of oil separation from surface water drainage has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall be implemented as approved.

Reason:

To prevent pollution of the water environment, in accordance with policy CP 8 of the Breckland Core Strategy.

- 12.5 Development shall not commence until a scheme for surface water disposal has been submitted to and approved in writing by the County Planning Authority, in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

Reason:

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

- 12.6 Prior to the commencement of development, a Construction Traffic Management Plan and Access Route, which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway, together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic, shall be submitted to, and approved in writing by, the County Planning Authority.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with Policy CP 4 of the Breckland District Council Core Strategy and Development Control Policies (2009).

- 12.7 Prior to the commencement of the development hereby permitted, a scheme of landscaping (including a detailed specification for planting and maintenance) shall be submitted to, and approved in writing by, the County Planning Authority. The scheme shall be implemented within the first planting season (October to March), following the occupation of the development. Any plants which, within a

period of five years from the completion of the planting die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species. All planting shall be retained for a period of five years after initial planting has been completed and any trees and shrubs which are substantially damaged, seriously diseased or die, shall be replaced within twelve months of removal or death, with plants of a similar species and size.

Reason: To ensure the satisfactory appearance of the development, in accordance with policy CP 11 of the Breckland Core Strategy.

- 12.8 Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented throughout the construction period.

Reason:

To ensure adequate off-street parking during construction in the interests of highway safety, in accordance with policy CP 4 of the Breckland Core Strategy.

- 12.9 Notwithstanding the provisions of approved drawing reference 14-1-1108 BAS-PL-L 015 Rev 0, prior to commencement of any works on site, precise details of the boundary treatment shall be submitted to and approved in writing by the County Planning Authority. The development shall then be constructed and retained in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development, in accordance with Policy DC 16 of the Breckland Core Strategy.

- 12.10 Notwithstanding the approved plans, prior to the commencement of the development hereby permitted, full details of the external materials proposed to be used, shall be submitted to, and agreed in writing by, the County Planning Authority. The development shall be constructed and retained in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development, in accordance with Policy DC 16 of the Breckland Core Strategy.

- 12.11 Notwithstanding the approved plans, within six months of the date of this permission details specification of the proposed photo voltaic panels shall be submitted to and approved in writing by the County Planning Authority. The photo voltaic panels shall thereafter be installed in accordance with the approved details.

Reason:

To ensure the satisfactory appearance of the development, in accordance with Policy DC 16 of the Breckland District Council Core Strategy (2009).

- 12.12 Prior to the first occupation of the development hereby permitted, the proposed

access / on-site car (general & disabled bays) and cycle parking (covered) / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans (drawing number 14-1-1108 NPS-A PL06) and retained thereafter available for that specific use.

Reason:

To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety and in accordance with the provisions of Part 4 (Promoting Sustainable Transport) of the National Planning Policy Framework

- 12.13 Prior to the commencement of use hereby approved, a Community Use Scheme shall be submitted to and approved in writing by the County Planning Authority. The Scheme shall include details of hours of use, access by non-school users and include a mechanism for review. The approved scheme shall be implemented upon commencement of the use of development.

Reason:

To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy DC 11 of the Breckland Core Strategy.

- 12.14 Within 6 months of the first occupation of the development hereby permitted a review of the existing school travel plan shall be submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority. The travel plan shall be implemented in accordance with the timetables and targets contained therein and shall continue to be implemented subject to any modifications agreed by the County Planning Authority in writing in consultation with the Highway Authority as part of an annual review. The travel plan reviews shall monitor pupil numbers and provide accordingly for the phased development of the future cycle parking (as agreed with the Highway Authority).

Reason:

To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment, in accordance with policy CP 13 of the Breckland District Council Core Strategy (2009).

- 12.15 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under condition number (A) of this permission and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

To provide for the planning programming of archaeological observations, to ensure the assessment of the value of any archaeological remains, in accordance with policy DC 17 of the Breckland Core Strategy.

- 12.16 For the duration of the construction period, all traffic associated with the

construction of the development shall comply with the Construction Management Plan and use only the Construction Traffic Access Route and no other local roads.

Reason:

In the interests of maintaining highway efficiency and safety, in accordance with policy CP 4 of the Breckland District Council Core Strategy and Development Control Policies (2009).

- 12.17 All construction works are to be carried out in accordance with Breckland Councils acceptable working hours policy and shall not generate a noise level measured or calculated at the nearest residential boundary greater than 3dBA above the background level, between the hours of:

18:00 – 07:30 Monday – Saturday
13:00 Saturday - 07:30 Monday
or at any time on Bank Holidays

The noise level to be measured or calculated as a 60 minute Laeq during day time hours (07.00 – 23.00) or as a 5 minute Laeq during night time hours (23.00 – 07.00)) and the background level to be measured as a 5 minute L90 between the hours of 23.00 – 07.00 or measured or calculated as a 60 minute LA90 between the hours of 07.00 – 23.00.

All measurements to be taken using the methodology of BS4142: 1997. All measurements to be taken with a sound level meter of IEC 651 Type 1, or BS EN 61672 Class 1, standard (or the equivalent relevant UK adopted standard in force at the time of the measurements) set to measure using a fast time weighted response. This should be calibrated in accordance with the procedure specified in BS4142: 1997 (or the equivalent relevant UK adopted standard in force at the time of the measurements).

Reason:

In the interest of the amenities of nearby residents, in accordance with Policy DC 1 of the Breckland Core Strategy

- 12.18 All external lighting should be hooded and angled down and installed and maintained in accordance with the manufacturers design. No other external lighting shall be installed on the site without prior submission and written approval by the County Planning Authority.

Reason:

In the interest of the amenities of nearby residents, in accordance with Policy CP 9 of the Breckland Core Strategy.

- 12.19 If, during development, contamination not previously identified is found to be present at the site, it must be reported in writing immediately to the County Planning Authority, and no further development shall be carried out. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the County Planning Authority.

Where remediation is necessary, a remediation scheme, detailing how the unsuspected contamination shall be dealt with, must be submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the County Planning Authority.

Reason:

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

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 above.
- (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.

Background Papers

Adopted Breckland Core Strategy and Development Control Policies Development Plan Document (2009)

http://www.breckland.gov.uk/sites/default/files/Uploads/planning_building_control/Core%20Strat%20Final%2020%2003%202012.pdf

Breckland Site Specific Policies and Proposals Development Plan Document (2012)

http://www.breckland.gov.uk/sites/default/files/Uploads/planning_building_control/Adopted%20Site%20Specific%20Policies%20and%20Proposals%20DPD%2019.01.12.pdf

Thetford Area Action Plan DPD (2012)

http://www.breckland.gov.uk/sites/default/files/Uploads/planning_building_control/Final%20Adopted%20TAAP%20reduced.pdf

The National Planning Policy Framework (2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

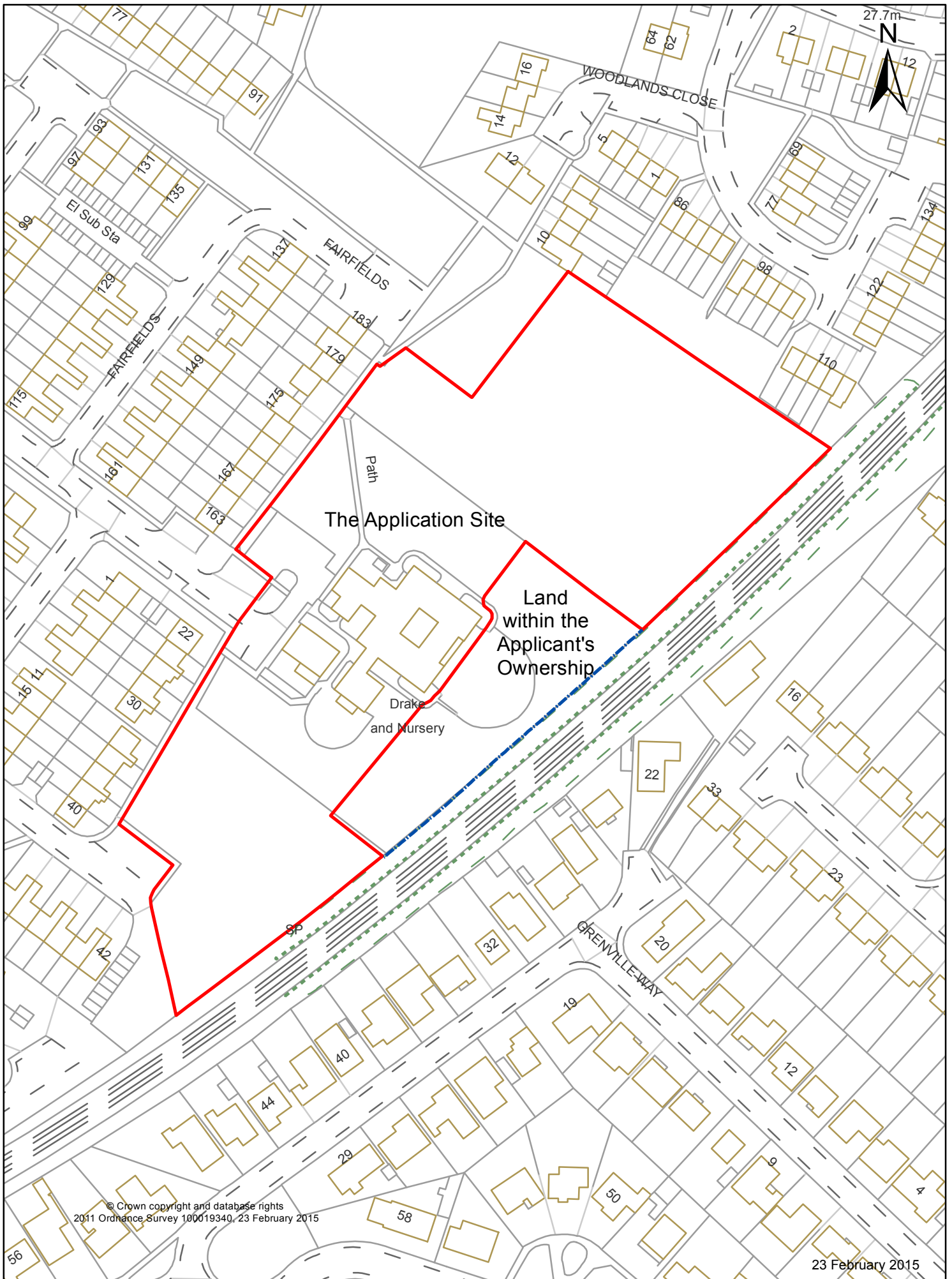
Officer Contact

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

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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 Ralph Cox or textphone 0344 800 8011 and we will do our best to help.



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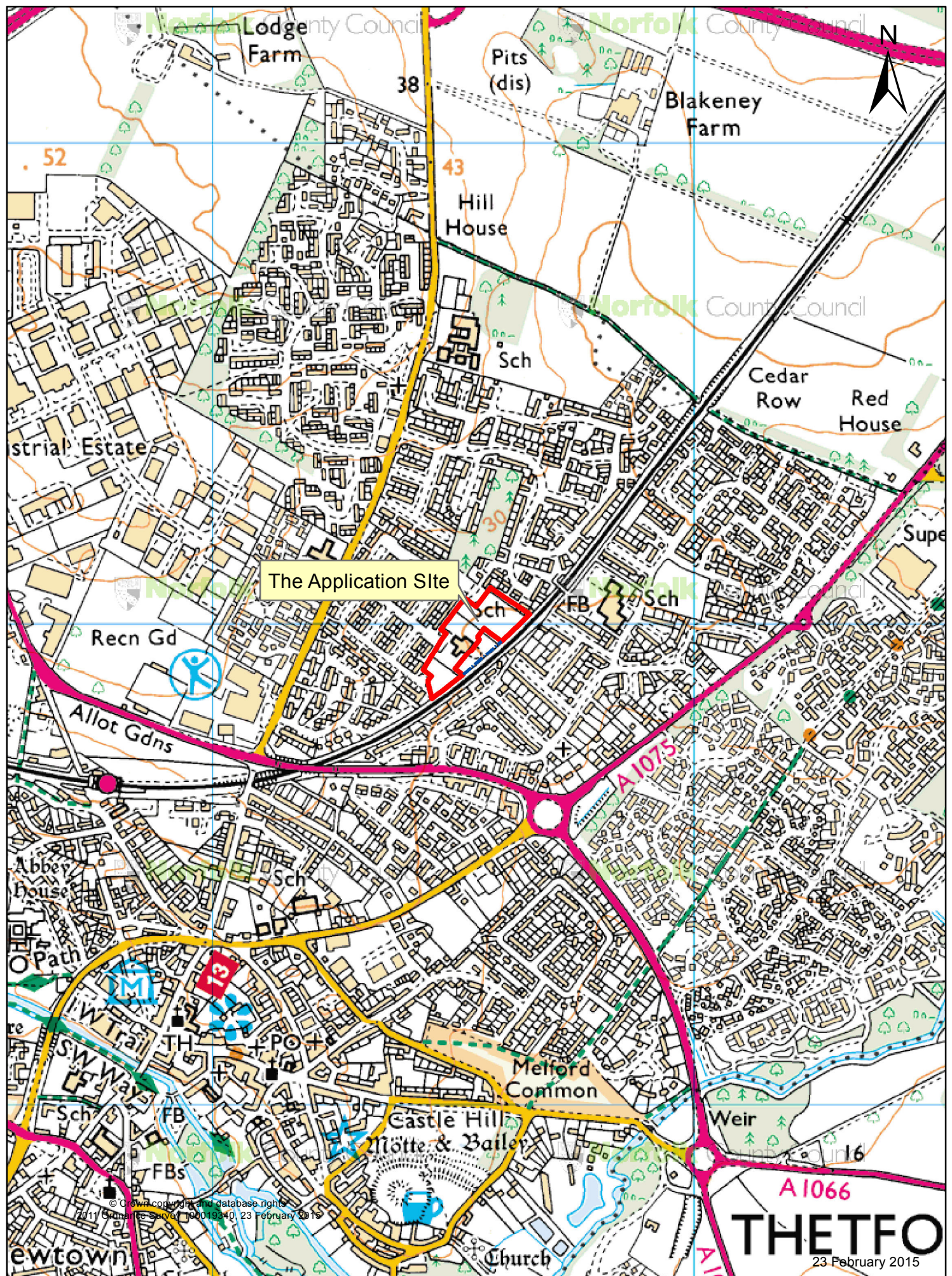
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Norfolk County Council

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