



Planning Committee
Monday, 5th December, 2016 at 9.30 am
in the Committee Suite, King's Court, Chapel Street,
King's Lynn

Reports marked to follow on the Agenda and/or Supplementary Documents

- a) Decisions on Applications (Pages 2 - 12)

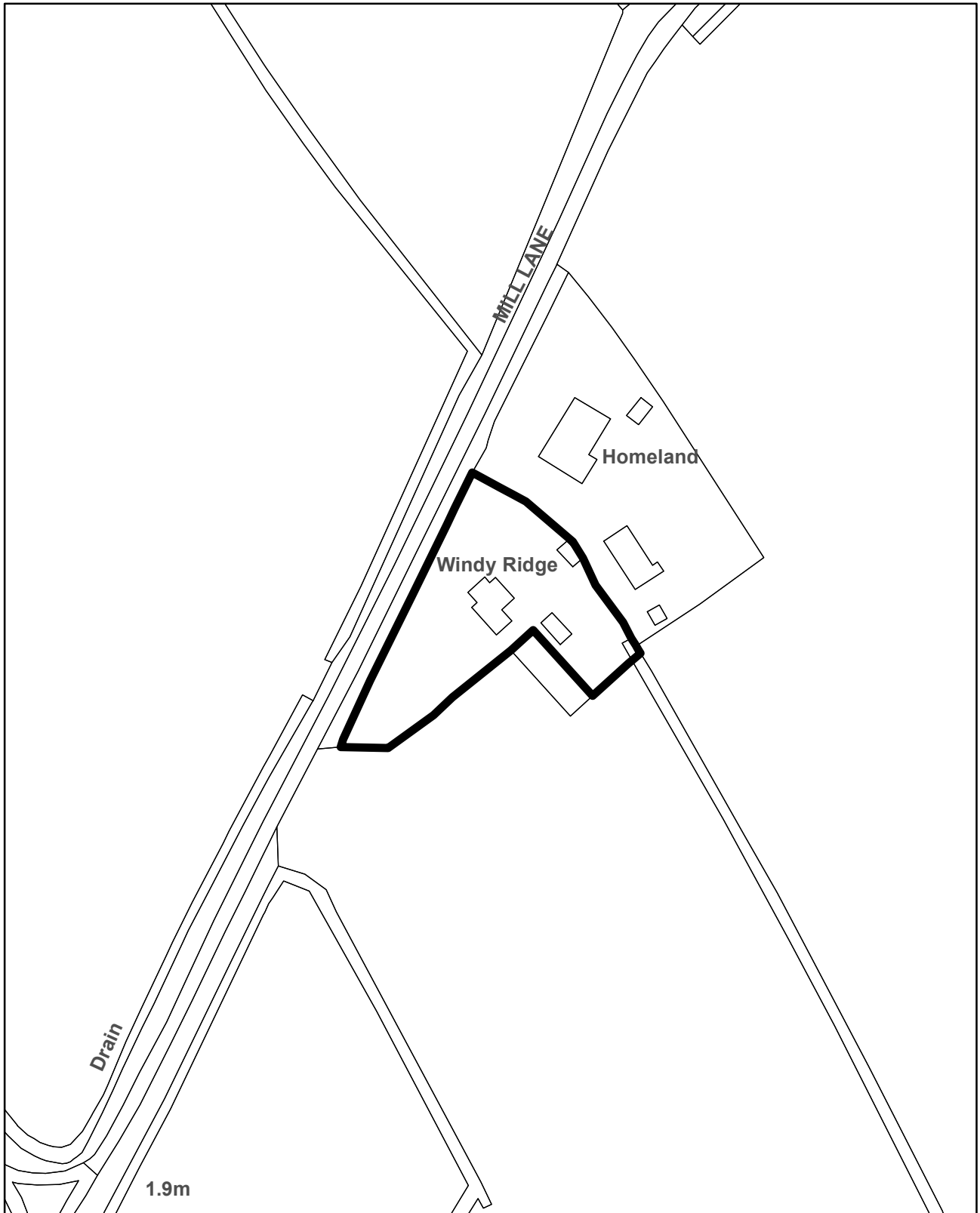
To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

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16/01524/F

Windyridge Mill Lane Walpole Highway



AGENDA ITEM NO: 8/2(g)

Parish:	Walpole Highway	
Proposal:	Relocation and retention of mobile low capacity incinerator for the disposal of waste cat litter and small animal incineration	
Location:	Windyridge Mill Lane Walpole Highway Wisbech	
Applicant:	Nicolle Grange	
Case No:	16/01524/F (Full Application)	
Case Officer:	Mr Bryan Meredith	Date for Determination: 17 October 2016

Reason for Referral to Planning Committee – The views of Walpole Highway Parish Council is contrary to the Officer recommendation.

Case Summary

The application site comprises a two storey cottage and outbuildings on an application site measuring 0.13ha. There is an existing cattery business, Country Lodge Cattery, operating from the outbuildings on the site; with a small dog grooming facility also available behind the reception area on site. The incinerator on site is currently located behind a timber clad fence, which acts as a screen between the cattery building, reception area and the dwelling on the site.

The application proposes the relocation and retention of a mobile low capacity incinerator for the disposal of waste cat litter and small animal incineration.

Walpole Highway is classified as a Rural Village within the Core Strategy Settlement Hierarchy.

Key Issues

The Principle of Development and Planning History
Neighbour Amenity
Other Material Considerations
Conclusion

Recommendation

APPROVE

THE APPLICATION

The application site comprises a two storey detached building, with a cattery business and incinerator located to the rear and side of the dwelling, situated on the south eastern side of Mill Lane, Walpole Highway.

The application seeks permission for the relocation and retention of a mobile low capacity incinerator for the disposal of waste cat litter and small animal incineration.

It is proposed to relocate the incinerator on site to the south-eastern corner of the application site to allow for the most efficient combustion and discharge of emissions to occur vertically, away from other taller buildings which could displace/deflect such emissions in the interests of the amenities of neighbouring residents. To the east of the application site is agricultural land.

The site access is a single driveway to the western side of the application site with parking and turning space for vehicles provided onsite.

SUPPORTING CASE

The application is accompanied by a Planning Statement which offers the following supporting case:-

- The incinerator was purchased by the applicants to provide an alternative to the waste cat litter being stored in a skip on site, which had generated complaints from neighbouring members of the locality.
- The model specifications of this incinerator, 18-20 A, is intended for low capacity incineration only (<50kgs per hour) and comprises a primary combustion chamber with a secondary burner to ensure minimal release of dioxins and other gases into the atmosphere.
- This type of incinerator is commonly used in connection with farm use, and is considered to be preferable arrangement to the previous disposal of waste in a skip, albeit removed from the site on a regular basis.
- The applicant has found that skip suppliers are becoming less willing to collect and remove cat litter waste due to disposal charges and lack of available recycling opportunities.
- The nearest residential property is Homeland, a bungalow north of the cattery. Apart from Homeland, the cattery is relatively isolated on land designated as countryside.
- The cattery has a list of permissions authorising its current commercial use.
- The incinerator should not generate any odour or dust due to its particular specification and is preferable to skip storage of waste.
- It is asserted that, given the authorisation for commercial use of this site, that the need to keep the site clean and clear of waste is essential to the wellbeing of the business, the amenity of the area and the safe disposal of by-products.
- In landscape impact terms, the flue of the incinerator will only be visible in close views of the site and will have no far-reaching impact on the character of the countryside overall.
- If the flue is reduced in height, this would undermine the efficient functioning of the incinerator and emission. Any taller, and the flue would be more visible within its rural context.
- The application seeks retrospective permission for the introduction of a low capacity, mobile incinerator onto the site in connection with the existing authorised use.
- It is intended to replace a below par waste storage/ removal system which is considered unneighbourly and increasingly difficult to find contractors prepared to deal with the waste concerned.
- The incinerator is intended to provide a clean and efficient means of waste disposal without the need to rely on outside contractors, avoid causing nuisance to neighbours or deterring potential customers.

- Accordingly, it is considered that the proposal accords with Policies CS06 and CS10 of the adopted Core Strategy 2011, Policy DM15 of the Development Management Policies of the SADMP and the provisions of the NPPF.

PLANNING HISTORY

15/01665/F: Application Permitted: 18/12/15 - Retrospective planning for 3No. cat breeding units – Windyridge, Mill Lane, Walpole Highway, Wisbech, Norfolk, PE14 7RD;

15/00680/F: Application Withdrawn: 10/06/15 - Variation of condition 3 for planning permission 13/01599/F to be able to breed cats – Windyridge, Mill Lane, Walpole Highway, Wisbech, Norfolk, PE14 7RD;

13/01599/F: Application Permitted: 23/12/13 - Retrospective Application: Proposed 12 Bay cattery with isolation units and conversion of part of existing domestic garage to form washroom/store for cattery – Windyridge, Mill Lane, Walpole Highway, Wisbech, Norfolk, PE14 7RD;

13/01300/F: Application Permitted: 04/11/13 - Retrospective application for conservatory and fencing – Windyridge, Mill Lane, Walpole Highway, Wisbech, Norfolk, PE14 7RD;

13/00927/F: Application Withdrawn: 10/09/13 - Erection of kennels, cattery and isolation kennel along with associated parking to provide boarding kennels and cattery – Windyridge, Mill Lane, Walpole Highway, Wisbech, Norfolk, PE14 7RD.

RESPONSE TO CONSULTATION

Parish Council: OBJECT Walpole Highway Parish Council recommend refusal of this application as odour & fumes are already affecting the lives of residents in nearby dwellings. Notices of Decision for the permission of a 12 bay cattery (13/01599/F) and 3 cat breeding units (15/01665/F) both contained the following conditions

1. The business / building hereby permitted shall be restricted to the boarding and breeding of cats only.
2. No cattery bedding or cat waste from the development shall be burnt on site.

Condition 1 was made for the avoidance of doubt and to ensure that the building was not used for unrelated purposes that would be unacceptable on this site and in the interests of residential amenity.

JCJ's planning statement document accompanying the application refers to a secondary use of the incinerator for pet cremation & veterinary services which are totally unrelated to a boarding & breeding cattery.

Condition 2 was made in the interests of residential amenity but the incinerator is in use and already the Parish Council are receiving complaints about odours and fumes reaching several dwellings in Mill Lane - the prevailing winds are carrying them.

In operating an incinerator the cattery is also contravening its Model Licence conditions for an animal boarding establishment with KL&WN Borough Council Section 13.05

"Arrangements must be made with the Waste Collection Authority or waste management contractor authorised for the purposes of the duty of care, for removal of other wastes from the establishment under the Environmental Protection Act 1990."

The Parish Council is concerned that no control can be exercised over what is burnt in the incinerator and that the owners of the cattery have already acted irresponsibly by directly contravening the conditions of their planning consent.

The Parish Council also believe that a permit is required from KL&WN Borough Council for the operation of this incinerator.

Highways Authority: Having visited the site and examined the information submitted with the application, in terms of highway considerations, I would have **NO OBJECTION** to the principle of the development.

Norfolk Country Council: As Minerals and Waste Planning Authority we would offer no objection to this application (or the Borough Council determining with it) on the condition the incinerator is only used to incinerate cat litter, or deceased cats associated with the cattery or cat breeding business, and that there shall be no importation of cats or small animals from third parties for the purposes of cremation.

We would view any additional importation of animal carcasses (not associated with their current businesses) for incineration/disposal as a waste management proposal and would expect a planning application to be lodged to the County Planning Authority for that use.

Environmental Quality: I refer to the above consultation dated 24 August 2016. I am aware that there have been complaints of odour nuisance from the site and that a number of objections have been received relating to odours from the incinerator. I am concerned to ensure that this development should not contribute to adverse effects from unacceptable levels of air pollution as required by NPPF.

This team has investigated the requirement for the incinerator to be regulated under the Environmental Permitting regime. Advice was sought from DEFRA, Environment Agency (EA) and Animal and Plant Health Agency (APHA) to assist in the interpretation of the Environmental Permitting Regulations 2010 (as amended) and application of the Industrial Emissions Directive (IED). As the material to be burned will be predominantly wood pellet bedding and as the incinerator burns at under 50kg/hour, this will be exempt from permitting. Therefore control will fall to the planning system.

This incinerator model is approved by DEFRA as complying with emission limits contained in the IED when operated in accordance with the manufacturers' conditions. I have visited the site to see the incinerator in operation and have the following comments:

- The current position, of the incinerator is likely to be preventing efficient dispersion of emissions due to 'downwash' from nearby buildings
- The incinerator may not currently be operated in accordance with the manufacturer's instructions
- There are sensitive receptors approximately 30m to the northeast, 150m to north northeast and 200m to south southwest
- These operating conditions may be giving rise to the complaints of odours from the incinerator.

The Officer recommended that the relocation of the incinerator must be agreed with the LPA in order to recommend an approval on this scheme. It is likely that to achieve adequate

dispersion of emissions, the incinerator will need to be positioned at a location which is 5 x the height of the flue from the nearest taller building.

Following the submission of the proposed relocation plan for the incinerator, the Environmental Quality Officer acknowledged that the unit can be operated without causing unacceptable levels of air pollution. However, to ensure that this is achieved the Officer recommends the following conditions, should consent be granted:

1. The incinerator shall burn only animal carcasses and wood based animal bedding.
2. Within 3 months of approval the applicant shall submit to the LPA for approval an odour management plan. The applicant shall operate in accordance with the approved scheme.
3. The incinerator shall be operated at all times in accordance with the manufacturer's instructions by suitably trained persons. The applicant shall submit within 3 months, details of training and a log book which records the operating conditions and environmental observations during this period. The log book shall be maintained as part of the approved odour management plan.
4. No modifications shall be made to the incinerator and no cap or cowel shall be fitted to the flue.
5. The incinerator shall burn only waste generated from activities on the applicant's site. No waste shall be imported onto the applicant's site.

I also recommend that the permission be personalised to the applicant's business.

The applicant should be informed that they will need to register a D6 exemption with the EA for burning waste wood and they will also need to register the incinerator with AHPA for the incineration of animal by-products (cats and kittens that have died at the applicants premises).

CSNN: Initially a CSNN Officer could not recommend this application for approval stating that the incinerator has been placed in the middle of the site and would have been better placed at the furthest point from non-involved residential receptors.

CSNN are also currently dealing with a nuisance complaint regarding the emissions from the incinerator and will be continuing to investigate.

Following the submission of further information by the applicant relocating the incinerator on site addressing concerns raised throughout the application process, further correspondence was received from CSNN on the 9th of November 2016 which stated that:

In relation to this application the CSNN Officer would like to state that their recommendations are based on the fact that the incinerator will be located in the position shown on the revised location plan. As discussed with the Planning Officer, the CSNN Officer recommended that a suitable plan be submitted that can be referenced via condition to ensure that the incinerator which is not fixed is not moved after permission is granted.

I would also like a condition to be attached that ensures only the make and model of incinerator that they have submitted details for is used on the site. In addition I would also like to draw attention to the comments of the Air Quality Team at the BCKLWN. I support the

need for each of those conditions and I would also recommend in addition that the following conditions are attached to any permission.

I have discussed the Environmental Health Officer's recommendations and my own with the operator and they are satisfied that they are practical in terms of the management of the waste materials.

- 1) The incinerator shall not be used between the hours of 07.00 to 20.00 on Mondays, Tuesdays, Wednesdays and Thursdays and at no time on Fridays, Saturdays, Sundays or Bank and Public holidays.
- 2) Only an Inciner8 I8-20A shall be used at the site.
- 3) The incinerator will be located and operated in the position shown on approved plan titled Revised Location of Incinerator, date received 26 October 2016 and shall not be operated at any other location on the site.

REPRESENTATIONS There were a total of 8 representations received supporting the application and 19 representations were received objecting to this application for an incinerator.

A summary of the reasons supporting the application are as follows:

- While the incinerator is in use there is no smoke or smell.
- The alternatives of skips, even closed, attract rats & when opened to put more in, the smell will be released.
- Having had problems with disposing of cat litter the incinerator is the most efficient & eco-friendly.
- The disposal of cat litter is necessary to keep this hazardous waste disposed of in an environmentally friendly way.
- Some of the reasons why cat litter should be incinerated:
 - Toxoplasmosis a parasite disease.
 - Inhaling dust or direct contact cats act as a carrier and is passed through their faeces.
 - Zoonotic disease also passed through faeces can pass on salmonella.
 - The three most common are cryptosporidiosis, giardia's and toxoplasmosis.
 - It must make sense the way forward is incineration.
- The machine as it is DEFRA approved and on the Environment Agency accepted incinerators. Many of these machines have been installed throughout the UK without any problems.

A summary of the reasons objecting to the application are as follows:

- Incinerator health risk to friends, family and animals of neighbouring properties and residents.
- Note a previous application from this property: Ref. 15/01665/F | Retrospective planning for 3 No. cat breeding units. This incinerator is being used in violation of condition 3: "No cattery bedding or cat waste from the development shall be burnt on site"
- Does not work in conjunction with the Environmental Health Act
- The waste from the cats should be disposed of in the correct bins and removed regularly by accredited agents.
- The odour is foul and offensive and forces neighbours indoors to prevent the smell permeating through their households

- The prevailing wind was driving the smoke from the low chimney continually and directly into neighbours garden
- The incinerator as quoted is portable; it should be moved to the furthest Western end of the property. So the owner gets the result on their action.
- A representation was received quoting application 15/01665/F and in particular condition 3 of this application. Which states "No cattery bedding or cat waste from the development shall be burnt on site"

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS10 - The Economy

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

The main considerations in the determination of the application are:

- The Principle of Development and Planning History
- Neighbour Amenity
- Other Material Considerations
- Conclusion

The Principle of Development and Planning History

Walpole Highway is classified as a Rural Village within the settlement hierarchy of the Core Strategy. Rural villages encourage limited minor development which would meet the needs of the settlements to help sustain existing services in accordance with Policy CS06 of the Core Strategy. The relocation and retention of a low capacity incinerator for the disposal of waste cat litter and small animal incineration on the application site is acceptable in principle as it replaces a below par waste removal system which the business previously used as a means of waste storage removal. The applicant has purchased this incinerator as a means of overcoming the objections and concerns from neighbouring properties regarding noxious odours being emitted from the skip on site. The relocation and retention of the incinerator replaces the previous method of waste disposal with a clean and efficient means of waste disposal which will minimise the nuisance to neighbours.

With regard to the Parish Council's comments relating to previous planning permissions of a 12 bay cattery (13/01599/F) and 3 cat breeding units (15/01665/F), the proposal for the incinerator aims to provide an alternative method of storage and waste removal to minimise the impact on neighbours.

Neighbour Amenity

The proposal provides an alternative to the current usage of a skip as a means of waste disposal with an incinerator that will keep the site clean and clear of waste which will in turn be essential to the wellbeing of the amenity of the site, neighbouring areas and the safe disposal of by-products.

Originally the application was seeking to retain the incinerator in the position it is currently located in on site, adjacent to the cattery building and dwelling, as was set out on the Site Plan dated 18 August 2016. However, due to concerns raised by third party representations, Environmental Health and CSNN the applicant was requested to relocate the incinerator to the south of the application site to minimise any potential negative impact that may accrue on the amenities of existing residents in the locality. The revised site plan, received on the 26th of October, sets out that relocation of the incinerator to the southern side of the garden, away from the applicant's dwelling and neighbouring dwellings in order to allow for the most efficient combustion and discharge of emissions to occur vertically, away from other taller buildings which could displace/deflect such emissions. This relocation of the incinerator is in the interests of the amenities of existing residents and addresses concerns raised by neighbouring properties, the Environmental Health and CSNN departments of the Borough Council.

With the relocation of the incinerator on site, the issue of unacceptable odour and fumes emitting from the application site affecting neighbouring residents is minimalised with the incinerator relocated 65m away from the closest neighbour, to the south eastern corner of the application site. The incinerator is an efficient method of waste disposal replacing the previous method which had the applicant storing waste in a skip on site, which emitted odour and attracted vermin when stored. The conditions provided and attached to this report from the CSNN and Environmental Health teams have been set in such a way that the Local Planning Authority retain control over what is burnt in the incinerator, details of the time when the incinerator has been used, details of a log book detailing and recording the operating times, conditions and environmental observations during the operating time and the restriction that no waste shall be imported onto the applicant's site to be burnt.

It is viewed that the reasons and conditions set out in this report overcome the Parish Council's objection and concerns.

There will be no overshadowing or overbearing concerns by the proposed relocation of the incinerator as there are no neighbours to the south of the application site.

Other Material Considerations

The site is located in Flood Zone 3 of the Council's adopted Strategic Flood Risk Assessment. However, the incinerator is considered a less vulnerable use in the event of a flood event.

CONCLUSION

The proposal for the relocation and retention of the incinerator on site is considered to be acceptable. Concerns relating to the impact of the proposal on the neighbouring amenity have been addressed with the relocation of the incinerator 65m away from the neighbouring dwelling. The relocation of the unit away from the dwelling will also contribute to the most efficient combustion and discharge of emissions which will take place when the flue draught is vertically upwards. Conditions to protect amenity are attached as proposed by CSNN and Environmental Quality, albeit some of the conditions have been amended. The proposal is now considered to be acceptable in principle, and complies with Policies CS06 and CS10 of the Core Strategy and Policies DM1 and DM15 of the Site Allocation and Development Management Plan.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans titled:
 - Proposed Position of Incinerator Plan, scale 1:500, date received 26/10/2016.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition The incinerator shall not be used between the hours of 07.00 to 20.00 on Mondays, Tuesdays, Wednesdays and Thursdays and at no time on Fridays, Saturdays, Sundays or Bank and Public holidays.
- 2 Reason In the interests of the locality in accordance with the NPPF.
- 3 Condition Only an incinerator model Inciner8 I8-20A shall be used at the site.
- 3 Reason For the avoidance of doubt and to ensure the incinerator which has been deemed to be acceptable is used.
- 4 Condition Within one month of this decision notice, the incinerator will be located and operated in the position shown on approved plan titled Proposed Position of Incinerator Plan, date received 26 October 2016 and shall not be operated at any other location on the site.
- 4 Reason For the avoidance of doubt and in the interests of proper planning.
- 5 Condition Within one month of approval the applicant shall submit to the LPA for written approval an odour management plan. The applicant shall operate in accordance with the approved scheme.
- 5 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 6 Condition The incinerator shall be operated at all times in accordance with the manufacturer's instructions by suitably trained persons. The applicant shall submit within 3 months of this consent, details of training and a log book which records the operating conditions and environmental observations during this period which shall be

approved by the LPA. The log book shall be maintained as part of the approved odour management plan.

- 6 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 7 Condition No modifications shall be made to the incinerator without the prior written consent of the LPA and no cap or cowel shall be fitted to the flue.
- 7 Reason For the avoidance of doubt and the interest of amenity in accordance with the NPPF.
- 8 Condition The incinerator shall burn only animal carcasses and wood based bedding generated from activities associated with the cattery business on the applicant's site. No waste, including animal carcasses, shall be imported onto the applicant's site and burned in the incinerator.
- 8 Reason For the avoidance of doubt and in order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.