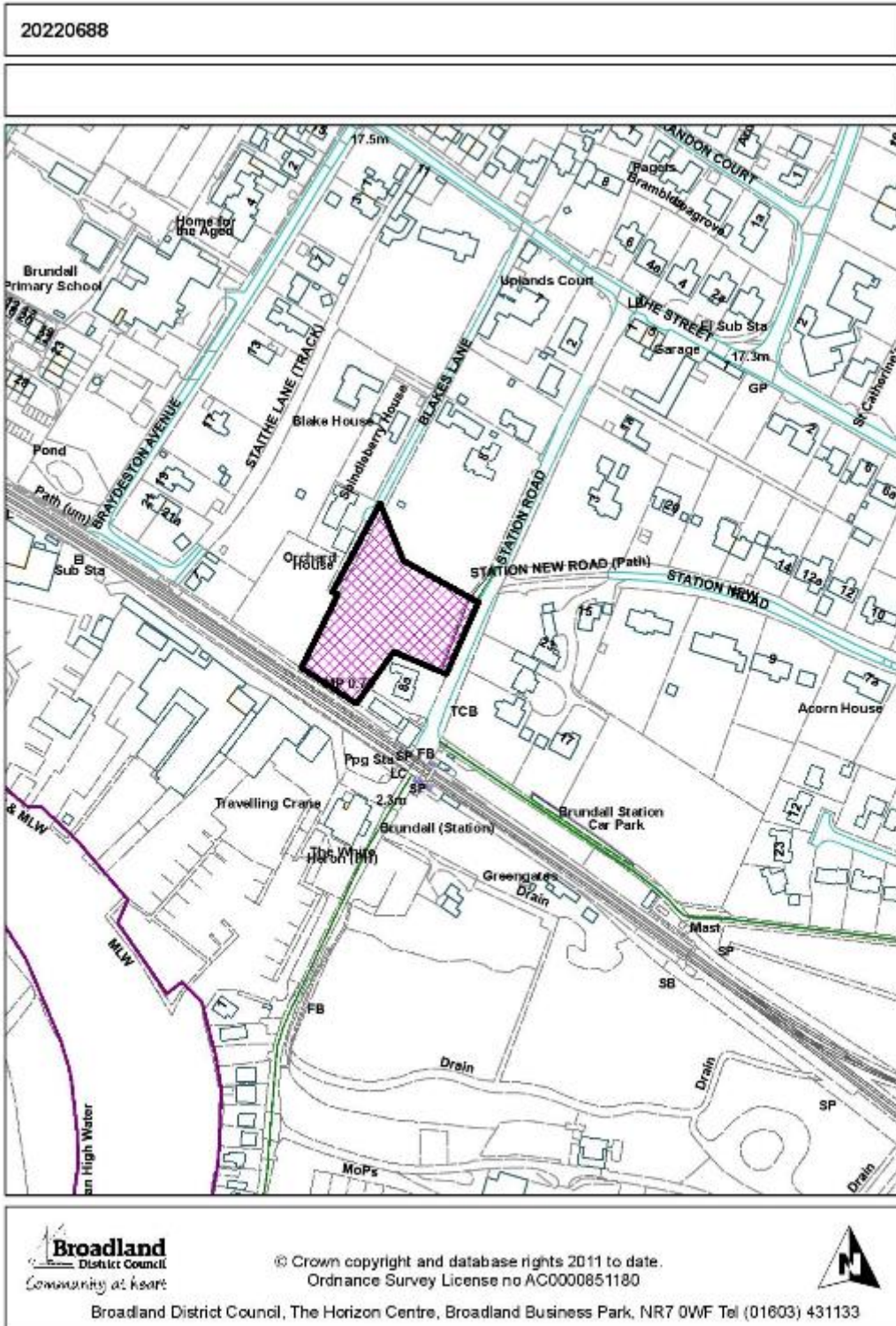


APPLICATIONS FOR PLANNING PERMISSION

Report of the Director of Place

Application 1

Other Applications



1. **Application No :** 20220688/F
Parish : BRUNDALL

Applicant's Name: Mr & Mrs Wilson
Site Address Riverview House 8 Station Road Brundall NR13 5LA
Proposal Construct 2 no dwellings & associated garages and access

Reason for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee / Planning Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary:

Approval with Conditions

1 Proposal and site context

- 1.1 The application seeks full planning permission for the sub-division of the residential curtilage associated with Riverview House into three plots and for the erection of two detached dwellings and associated detached garages within the southern half of the site. The application also proposes a new access off Station Road, to serve the new dwellings.
- 1.2 The application site currently forms the rear part of the garden of Riverview House, which is a large, detached dwelling constructed circa 1894. It is primarily a red-brick property with areas of white render and white painted timber below a red clay pantile roof. The former coach house associated with Riverview House has been converted to a library and a contemporary timber clad office and garage extension to the library cottage was completed in 2011. The site, which is predominantly of an 'L' shape, measures approximately 0.45 hectares in size and is located within the defined settlement limits for Brundall. The site is, in the main, within an established residential area.
- 1.3 To the north of the application site is Riverview House and its large associated curtilage. To the east is Station Road and to the southeast is a detached residential dwelling (8a Station Road), Brundall Railway Station and a commercial unit. To the south are the railway tracks and to the west there are neighbouring residential dwellings accessed off Blakes Lane (Spindleberry House and Orchard House).
- 1.4 The application site is characterised by a large central lawn and there is a significant change in levels between the northern part of the site and the southern boundary. There is a belt of woodland on the eastern boundary and several trees within the site are protected by Tree Preservation Orders (TPO's). The east of the site is also bounded by a raised bank and a steep drop down to Station Road. There is a mature hedge forming the western boundary to Blakes Lane. The site is bisected by a footpath for the exclusive use of the Blakes Lane residents.
- 1.5 The proposal is for two detached, sustainable dwellings of a contemporary design which are to integrate into the site. Both properties will be two storey dwellings and have fairly simple rectilinear floor plans with a mono-pitch roof construction. Plot 1 is proposed to have two bedrooms and Plot 2 is proposed to have three. The dwellings are proposed to

have a render finish on a brick plinth and a dark grey ply membrane roof. The garages will be timber clad with a monopitch roof to reflect the design of the dwellings.

- 1.6 The Blakes Lane residents' footpath that bisects the site will be retained and form the boundary between Plot 1 (to the north) and Plot 2 (to the south), with new planting to either side for privacy.
- 1.7 An application was previously approved for a single dwelling on the southern part of the site under application 20101542. An application was then submitted for two dwellings on the site but accessed via Blakes Lane. Norfolk County Council in their role as Highway Authority objected to the application due to Blakes Lane being considered inadequate to serve the development and the application was later withdrawn.

2. Relevant planning history

2.1	20191593	Erection of 2 Dwellings and Access	Withdrawn
2.2	20130383	Application for Approval of Details Reserved by Conditions 3 and 6 of Planning Permission 20101542 - Materials and Landscaping	Approved
2.3	20121232	Approval of Details Reserved by Condition 7 of Planning Permission Ref 20101542 - Archaeological Investigation and Evaluation	Approved
2.4	20101542	Construction of a New Dwelling Together with a New Access	Approved

3. Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development
 NPPF 04 : Decision-making
 NPPF 05 : Delivering a sufficient supply of homes
 NPPF 08 : Promoting healthy and safe communities
 NPPF 09: Promoting sustainable transport
 NPPF 11 : Making effective use of land
 NPPF 12 : Achieving well-designed places
 NPPF 14 : Meeting the challenge of climate change, flooding and coastal change
 NPPF 15 : Conserving and enhancing the natural environment

3.2 Greater Norwich Local Plan

Policy 1 : The Growth Strategy
 Policy 2 : Sustainable Communities
 Policy 3 : Environmental Protection and Enhancement
 Policy 5 : Homes
 Policy 7.3 : The Key Service Centres

3.3 Broadland Development Management DPD (DM DPD) (2015):

Policy GC1 : Presumption in favour of sustainable development

Policy GC2 : Location of new development

Policy GC4 : Design

Policy EN1 : Biodiversity and Habitats

Policy EN2 : Landscape

Policy EN4 : Pollution

Policy TS3 : Highway Safety

Policy TS4 : Parking guidelines

Policy CSU5 : Surface water drainage

3.4 Brundall Neighbourhood Plan (2016):

No policy specifically relevant to this application.

4. Consultations

4.1 Cllr Eleanor Laming;

Consultation 1 (first Response)

- Concerned that this is development on a greenfield site, which if developed could cause habitat fragmentation for bats, mammals, insects, birds and other species in the area who may use the site for roosting or crossing to another area for foraging.
- It is within 200 metres of several important sites such as the Broads, the Broadland Ramsar SPA and the River Yare which are important wildlife habitats and wildlife does not recognise boundaries delineated by humans. The site is also within a 2km radius of a number of ecologically important international, national and County sites. It is currently an established garden which potentially could be a habitat for a number of species, and I note that several trees will need to be removed.
- Biodiversity in the UK is under serious threat due to habitat loss and human activity and development that impacts on this should be avoided. (NPPF paragraph 170, Policy EN1) The development should achieve a biodiversity net gain of at least 10% through new habitat creation, in compliance with the Environment Act 2021 and emerging GNLP policy requirement, and the plans need to demonstrate this.
- Notes EV charging and air source heat pumps with underfloor heating. Has rainwater harvesting and the installation of solar panels been considered? (JCS Policy 1).
- Concern regarding soakaways and flooding
- Station Road is a narrow road, already used by a number of heavy goods vehicles and construction traffic for development of this site will contribute adversely towards traffic volume. 6 parking spaces will be provided which indicates that there will be additional traffic entering and exiting Station Road from this site in the long term.

Consultation 1 (Second Response)

Please could I make the following request re application no: 20220688, Riverview House, 8 Station Road, Brundall.

If you are minded to recommend approval of this application, I would like the application to be determined by the planning committee on the following grounds:

- Concerns regarding highway safety
- Biodiversity and habitat loss
- Work has already started to remove trees and vegetation
- Concerns about adequacy of surface water drainage of the site and the potential use of a package treatment plant for one dwelling which would need to be emptied (JCS 1 and DMP DP CSU5).
- Broadland along with Greater Norwich can demonstrate a five-year land supply and this proposal is contrary to policy 14 of JCS as Brundall has exceeded development already of 50 dwellings. This development runs contrary to the Brundall Neighbourhood Plan. Addition of any further unallocated housing would be disproportionate and unsustainable.

Consultation 2:

I attended the Brundall Parish Council full meeting last night (22/7/24) at which this planning application was discussed further. Having looked at the application myself, despite the alterations to the plans since 2022, I would like to continue with the call in on this application on the following grounds some of which are detailed in my original call-in email).

- Concerns with regard to highway safety for road users (Policy TS3, DMDPD 2015)
- Concerns with regards to drainage and potential contribution to flooding (NPPF 159, Policy CSU5, DMDPD 2015)
- Concerns with regards to biodiversity loss and habitat protection (Policy EN1, DMDPD 2015)

4.2 Senior Heritage & Design Officer

No comments received

4.3 Brundall Parish Council

Objection for the following reasons:

- A more extensive Arboricultural Impact Assessment (AIA) must be undertaken to ascertain potential impacts upon trees and provide mitigation accordingly.
- There are concerns about the proposed site entrance being onto/from Station Road. There needs to be a more extensive explanation of the impact of placing a site entrance through and near a high bank area. As we understand it, yards away, bank stabilisation works took place in 2010 by Norfolk County Highways. Details of the impact of construction traffic and how this will be commissioned. If the housing is approved more justification is required as to allowing a site entrance at this particular location. As there is currently no

- continuous footpath there is a danger to pedestrians with the location of the proposed site entrance most especially during the construction phase.
- Concerns over no main sewer connection for Plot 2. The Council is concerned that one of proposed dwellings will not be connected to the main sewer.
- There needs to be a survey of the impact of the development of surface water drainage onto the rail line and river. Will soakaway drainage be adequate as the information given on soil properties says the type is Lowestoft formation, diamicton which can be unstable and shrinkable.

4.4 Ecologist And Biodiversity Officer

Consultation 1:

Advice given on NN, Local Policy and GIRAMS followed by details on the site as copied below:

The Ecological Impact Assessment (Bench Ecology, February 2022) is valid until 8th February 2024.

- Application site of value on a parish scale, mitigation is required
- Additional roost assessment requires for removed trees
- Notes potential amendments requires for highways
- Informal footpath passes through the site – boundaries to be considered
- Consider biodiversity design strategy

Consultation 2:

The Ecological Impact Assessment has been amended to include a Preliminary Roost Assessment of trees (five trees with low bat roost potential have been identified but are not proposed for removal).

Following previous comments, the location of the bird/bat boxes had been provided negating the need for a biodiversity design strategy. These should be conditioned.

The AIA identifies the loss of several trees which will need to be compensated for as part of the landscaping plan - can the land to the north and south of the driveway be planted with native trees, woodland seed mix, bulbs, with trees/shrubs reflecting the species to be lost (e.g. holly, rowan and hazel)?

Consultation 3:

Verbal confirmation that survey data that expired in February 2024 is still within the margin of error in relation to age and therefore remains acceptable at this time for decision making purposes. Noted additional tree planting as requested.

4.5 Network Rail Anglia

The developer must ensure that their proposal, both during construction and after completion does not:

- Encroach onto Network Rail land
- Affect the safety, operation or integrity of the company's railway and its infrastructure
- Undermine its support zone
- Damage the company's infrastructure
- Place additional load on cuttings
- Adversely affect any railway land or structure
- Over-sail or encroach upon the air-space of any Network Rail land
- Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

4.6 NCC Highways

Consultation 1:

The highway constraints found on Station Road are such that we cannot support the proposed development without suitable mitigation, facilitated by suitable visibility splays and footway adjacent to the site, and dedication of land adjacent to Station Road to enable a future highway improvement scheme by others.

Consultation 2 (following amendment)

The revised layout achieves the following:

An adequate means of vehicular access to Station Road, through the provision of visibility splays that meet Manual for Streets standards

The reshaped embankment is set back by a privately owned gabion wall, an asphalted kerbed footway is proposed along the entire edge of this Gabion wall to make provision for pedestrians emerging from the site and needing to crossover to the footway on the opposite side of Station Road.

Extant street lights will be set back with the proposed footway at the applicants expense

The site access road and turning head itself will remain in private ownership

The dwelling layouts proposed parking for 3 cars and suitable turning provision to meet NCC parking guidelines.

A 1.5m wide asphalted footway is proposed to connect the turning head to Blakes Lane. Along Blakes Lane a further new extent of asphalted path would be constructed to connect to the extant cul-de-sac end of the lane. This will ensure that there is a safe and suitable means of pedestrian access from the site to village facilities, thus avoiding the need to traverse Station Road

For these reasons, it is considered that a safe and suitable means of pedestrian and vehicular access is achievable to the site, and as such there are no grounds to recommend refusal. Therefore, I am able to comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to restrict the grant of consent. Should your Authority be minded to approve the application I would be grateful for the inclusion of the following conditions (Officer Note: 7 conditions to be added to the decision as suggested).

4.7 Broads Authority

Broads Authority does not have any comments to make.

4.8 Natural England

No comments received yet at this time

4.9 Ecology Biodiversity and Tree Manager

No objection. Condition proposed, amongst other things, to ensure that all operations on site take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) prepared by C J Yardley dated August 2023.

4.10 Other Representations

Objections has been received from 1 local address. The concerns raised can be summarised as below:

- Two dwellings is overdevelopment of the site
- Access on to Station Road – Extremely dangerous - A steep narrow road with no pavement and high embankments - Poor visibility – There are often large lorries and boat transporters using this route
- Disruption to Station Road during construction process
- Northern boundary would require underpinning
- Future occupants accessing onto Blakes Lane
- Plan is misleading – buildings omitted - does not show Blakes Lane or indicate there is a right of access down full length

5 Assessment

Key considerations

- 5.1 The key considerations are the principle of development, The design and impact character and appearance of the area, the impact on residential amenity, the impact on highway safety, the impact on trees, the impact on ecology and biodiversity, the impact on flooding and drainage.

The principle of development

- 5.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration.
- 5.3 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals that accord with the development plan should be approved without delay.
- 5.4 Policy GC1 of the DM DPD states that the Council will take a positive approach that reflects the presumption in favour of sustainable development. Policy 1 of the GNLP also supports sustainable development and sets out a settlement hierarchy in order to achieve this. Policy GC2 of the DM DPD seeks new development to be located within the settlement limits defined on the policies map.
- 5.5 The site is located within the defined settlement limits for Brundall and is within reasonable walking distance to various services and facilities within the village. Within a kilometre of the site there is a nursery and pre-school, primary school, co-op convenience store, various shops, coffee shop, restaurant and takeaways. These are predominantly accessed via a street lit footpath and Brundall train station and numerous bus stops are also within walking distance of the site. It is therefore considered that this is a sustainable location, and this has been backed up by the Highway Authority in their latest comments. The application is therefore considered to accord with Policies GC1 and GC2 of the DM DPD and Policies 1 and 2 of the GNLP and overall, the principle of the development is considered to be acceptable.

The design and impact on the character and appearance of the area

- 5.6 Policy GC4 of the DM DPD states that, amongst other things, proposals should pay adequate regard to the environment, character and appearance of the area and to reinforcing local distinctiveness through the careful consideration of the treatment of space throughout the development. Policy EN2 of the DM DPD considers the landscape impact of development whilst Policy 2 of the GNLP, amongst other things, seeks to create beautiful, well-designed places and buildings which respect the character of the local area. Policy 3 of the GNLP seeks for development proposals to enhance the natural environment including taking account of local design and other guidance such as landscape character assessments.
- 5.7 Brundall is classed as being within the F3: Reedham to Thorpe Marshes Fringe landscape character area within the Landscape Character Assessment SPD. This sets out that 'settlements within this area have generally evolved from a linear settlement core, forming a series of small and large nucleated villages at the edge of the Broads'. It continues to state that 'many of the settlements have been influenced by modern development growth, such as Brundall'. The landscape planning guidelines within this landscape character area include seeking to ensure that potential new small-scale development within villages is consistent with the existing settlement pattern, density and traditional built form.
- 5.8 Riverview House currently sits to the north of a large site and the application site is considered to offer sufficient space to accommodate two dwellings whilst still allowing sufficient parking and amenity space for all three dwellings. It is also considered that the

density of the development and plot sizes proposed for the two new dwellings is acceptable.

- 5.9 The urban grain surrounding the site mainly consists of detached properties on individual plots with private off-road parking. There is no uniform spacing or separation of the properties in the area whilst properties in the immediate vicinity are of a variety of styles. The variation in dwelling types in the area means that there is not a particular standard or type that those proposed by this application have to conform to. Both of the proposed dwellings are of a contemporary design with a mono-pitch roof construction and a render finish on a brick plinth. The roof finish will be dark grey in colour which will not be dissimilar to the blue/grey slates and tiles seen on adjacent properties. The garages will be horizontal timber clad in the traditional Norfolk cart shed style, with a monopitch single-ply roof to reflect the design of the associated dwellings.
- 5.10 Given the topography and level differences on the site the properties will both be lower in height and subservient to Riverview House. Plot 2 will then be lower in height than plot 1 as it is positioned further south where the levels drop again. The shallow roof pitch design enables a lower overall height and given this, as well as the topography and existing screening that the site has, the proposed dwellings will appear discreet and not clearly visible from outside of the site. Notwithstanding this, it is considered that the dwellings have been carefully and sympathetically designed to complement the existing setting and blend in to the surrounding area.
- 5.11 Overall, it is considered that the proposals are of an acceptable size, scale and design and will be sympathetic to the site and the surrounding area. The application is therefore not considered to cause any significant harm to the general character and appearance of the area in accordance with Policies GC4 and EN2 of the DM DPD and Policies 2 and 3 of the GNLP.

The impact on residential amenity

- 5.12 Policy GC4 of the DM DPD sets out that proposals should pay adequate regard to, amongst other things, meeting the reasonable amenity needs of all potential future occupiers and to consider the impact on the amenity of existing properties.
- 5.13 There will be a good degree of separation between the proposed dwellings and the existing Riverview House to the north whilst the proposed dwellings will be set on lower ground and are unlikely to be particularly visible given that they will also be well screened by existing trees and vegetation. The proposed dwellings will also be well screened from existing dwellings to the west and Plot 2 will be on lower ground. It is also considered that there will be a good degree of separation between the new dwellings and the neighbouring dwelling at 8a Station Road to the east with the garage and existing trees also helping to provide screening between Plot 2 and 8a. The views of the two houses are orientated to the south, with only small windows to the north. Due to the topography and level differences between the properties there will be little to no overlooking between properties.
- 5.14 Overall, it is considered that the proposed dwellings will not appear overbearing or dominating or result in overlooking issues either for existing surrounding dwellings or towards each other. It is therefore considered that there will no significant loss of amenity to the existing or future occupiers and the application is in accordance with Policy GC4 of the DM DPD and Policy 2 of the GNLP.

The impact on highway safety

- 5.15 Policy TS3 of the DM DPD states that development will not be permitted where it would result in any significant adverse impact upon the satisfactory functioning or safety of the highway network. Policy TS4 of the DM DPD sets out that, within new developments, appropriate parking and manoeuvring space should be provided to reflect the use and location as well as its accessibility by non-car modes.
- 5.16 A new vehicular access is proposed off Station Road whilst the existing access will be retained for Riverview House. The new access will involve cutting into the existing steep bank and a new entrance and driveway being created through a gap in the line of trees on the eastern boundary of the site.
- 5.17 Norfolk County Council, in their role as Highway Authority had raised concerns to a previous application for two dwellings on the site, however these were different in that they were proposed to be accessed off Blakes Lane rather than Station Road. Notwithstanding this, the Highway Authority initially objected to this application due to the restricted visibility at the Junction of Station Road and The Street and the narrowness of Station Road. They set out that a development of two dwellings has the potential to intensify the use of the substandard section of Station Road and therefore exacerbate the highway issues associated with the current highway constraints.
- 5.18 During the course of the application amended plans have been submitted which the Highway Authority have confirmed achieve an adequate means of access to Station Road with acceptable visibility splays. The amended plans also propose a section of 1.5 metre wide asphalted footway either side of the access dedicated for adoption by Norfolk County Council. Along Blakes Lane a further new section of asphalted path is to be constructed to connect to the extant cul de sac end of the lane. This will ensure that there is a safe and suitable means of pedestrian access from the site to village facilities, thus avoiding the need to traverse Station Road.
- 5.19 The site plans are considered to show sufficient room for parking and manoeuvring and each property has a garage to accommodate three cars, cycle storage and a potential for electric vehicle charging.
- 5.20 With the plans in their amended form the Highway Authority have raised no objection to the application subject to 7 conditions which are all to be imposed. Overall, it is considered that the proposals will not result in any detrimental impact upon highway safety and there is ample room for parking and manoeuvring on the site. The application is therefore considered to accord with Policies TS3 and TS4 of the DM DPD.

The impact on trees

- 5.20 There are currently 41 individual and groups of trees / large shrubs and two hedges on or adjacent to the site, which are included in the survey carried out as part of the submitted Arboricultural Impact Assessment (AIA). A number of the trees are covered by a TPO (2010 No. 38.)
- 5.21 The AIA sets out that the development requires the removal of 7 trees as well as a group of holly and group of shrubs. In addition to the trees and shrubs which are required to be removed to facilitate the new proposed development, two elements are proposed to be removed due to poor condition and to improve the replanting potential of the site. Of the

trees and shrubs to be removed, they are all considered to be of a low amenity value aside from the group of holly which is considered to be of a moderate amenity value.

- 5.22 The new access has been carefully considered to minimise the impact on the existing trees in the area and arranged to allow the TPO trees to be retained and protected.
- 5.23 A detailed landscaping scheme has been provided as part of the application to ensure that there is suitable replacement planting and that the wooded area is enhanced and improved as part of the application, and this is to be conditioned. With such a condition in place, the Council's Arboricultural Officer has raised no objection to the application and overall, the application is considered to be acceptable in relation to the impact on trees. The application is considered to accord with Policy GC4 and EN2 of the DM DPD and Policy 2 of the GNLP in this regard.

The impact on ecology and biodiversity

- 5.24 The site currently forms part of the residential curtilage associated with Riverview House. An Ecological Impact Assessment has been submitted as part of the application. The report assesses the site as being of value at a parish scale for most biodiversity features and protected species with an overall minor adverse or minor adverse - neutral unmitigated impact foreseen as a result of the proposed development. The report however sets out that this can be reduced to neutral with the implementation of the recommended mitigation. Mitigation and enhancements are suggested within the report which include the addition of bird and bat boxes and these are to be imposed by condition.
- 5.25 The ecologist's recommendation for tree planting has been reflected in the landscape proposals and after a verbal check with the ecologist it is confirmed that although the ecology surveys expired in February 2024, based on relevant appeal decisions and case law, the application is still within the margin of error for the surveys to remain acceptable in relation to their relevance to the planning decision.
- 5.26 The Council's Ecology and Biodiversity Officer has raised no objection to the application and overall, with conditions imposed the application is not considered to cause any significant harm to ecology and biodiversity on site, especially given that the majority of the existing trees and hedges are shown as being retained. The application therefore complies with Policy EN1 of the DM DPD and Policy 3 of the GNLP.

The impact on flooding and drainage

- 5.27 The site is located within Environment Agency's flood zone 1 and is not within a surface water flooding area. Therefore, the site is considered to be within an area at low risk of flooding. The concern raised by the local member is acknowledged, however the Environment agency map takes climate change projections into account in its flood extents and therefore its mapping is a sound basis for flood risk assessment. It is understood that surface water is proposed to be discharged via soakaways and foul drainage is via connection to the mains sewer. It was suggested that one plot may use a treatment plant, however nutrient mitigation has been based on main sewer for both and therefore this will be required by condition to meet the requirements of the habitat regulations. Conditions are proposed to be added to secure full details of the surface water drainage and with these in place it is considered that the proposals will comply with the broad aims of Policy CSU5 of the DM DPD and Policy 2 of the GNLP.

Nutrient Neutrality

- 5.28 This application includes overnight accommodation which results in water quality effects which have a significant adverse effect on the integrity of the site either alone or in combination.
- 5.29 Developments that contribute water quality effects at habitats sites may not meet the no adverse effect on the site integrity test without mitigation. Mitigation through Nutrient Neutrality offers a potential solution. Where properly applied, Natural England considers that Nutrient Neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitats sites.
- 5.30 The applicant has secured mitigation through the purchase of credits from Norfolk Environmental Credits (NEC) which is a viable mitigation proposal made up of a portfolio of mitigation schemes. The mitigation is supported by a Shadow Strategic Appropriate Assessment and Technical report which accord with Natural England Principles.
- 5.31 The credits purchased sufficiently mitigate the nutrients generated by the development and accordingly the Council as competent authority can satisfactorily conclude that the proposed development will have no adverse effect on the integrity of the Protected sites acting alone or in combination with other development. This view has been reached by an objective scientific assessment of the implications of the project, consideration of the mitigation, adopting the Shadow Strategic Appropriate Assessment and the carrying out of a site-specific Habitats Regulations Appropriate Assessment in light of the assessment requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 5.32 Natural England have been consulted on this specific project and the response is pending at the time of writing and will be reported to committee at the meeting.

GIRAMS

- 5.33 This application is liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) as one additional dwelling is created as part of the proposal. South Norfolk and Broadland Councils resolved to adopt the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) and to begin collecting contributions from development in accordance with the requirements of Policy 3 of the emerging Greater Norwich Local Plan (GNLP). These contributions have been sought from 1 April 2022 and comprise payment of the Recreational Avoidance Mitigation tariff per dwelling and the provision of on site or off-site green infrastructure equivalent to 2ha per 1000 population. The collection of these contributions will enable the Council to conclude through a HRA that a development will not have any adverse impact on the integrity of a Habitats Site as a result of increased recreational usage. Natural England have been consulted on this specific project and the response is pending at the time of writing and will be reported to committee at the meeting.

Other Issues

- 5.34 Paragraph 70 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The Council has taken a proactive approach to this through the allocation of a range small and medium sized sites and through defining Development Boundaries for over 80 settlements to facilitate suitable windfall development. Point (c) of NPPF para 70 states that local

planning authorities should '*support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes*'. This is a material planning consideration, although the application is already considered to be acceptable for the reasons given above.

- 5.35 During the previous 20101542 application the Historic Environment Service required a condition for a programme of archaeological work as the site lies close to where an extensive cemetery of probable Roman date has been recorded. Consequently, there was considered to be potential that further burials or associated settlement remains may be present at the proposed development site. It is therefore considered reasonable for a similar condition to be imposed for this application.
- 5.36 The proposals will be liable to pay towards the Community Infrastructure Levy (CIL).
- 5.37 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.38 The Local Planning Authority has taken a proactive and positive approach to decision taking in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

Conclusion

- 5.39 The site is located within the defined development boundaries and within a sustainable location and is therefore considered to be acceptable in principle. As set out above, the dwellings proposed are of an acceptable design and are not considered to cause harm to the character and appearance of the area, residential amenity, highway safety, trees, ecology and biodiversity or flooding and drainage. The application is therefore considered to accord with Policies GC1, GC2, GC4, EN1, EN2, TS3, TS4 and CSU5 of the DM DPD and Policies 1, 2 and 3 of the GNLP.
- 5.40 In conclusion, it is also considered that the development is acceptable, and the application is to be approved subject to the below conditions.

Recommendation Approval with Conditions

- 1 Time limit
- 2 In Accordance with Plans and Docs
- 3 External Materials to be Agreed
- 4 Highways - New Access
- 5 Highways - Access Gates - Configuration
- 6 Highways - Access - Gradient
- 7 Highways - Provision of parking, service
- 8 Highways - Construction Traffic (Parking)
- 9 Highways - Highway Improvements Offsite
- 10 Highways - Highway Improvements Offsite
- 11 Surface Water Drainage to be agreed
- 12 Foul Drainage to main sewer
- 13 Tree Protection - In Accordance with AIA
- 14 Implementation of Landscaping Scheme
- 15 Archaeological Investigation
- 16 External Lighting
- 17 Ecological Mitigation and Enhancements
- 18 New Water Efficiency

Contact Officer Peter Kerrison
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Major Applications

Application 2

2023-2395



2. Application No: 2023/2395
Parish: HORSFORD

Applicant's Name: Mr Richard Mosinghi - Third Revolution Projects
Site Address: Land northeast of Reepham Road, Horsford, NR10 3AJ

Proposal Temporary ground mounted solar photovoltaic (PV) farm along with continued agricultural use, ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works

Reason for reporting to Committee:

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in Section 4.

Recommendation summary:

Authorise the Assistant Director (Planning) to approve subject to conditions.

1 Proposal and site context

- 1.1 The application seeks full planning permission for a temporary (up to 42 years) ground mounted solar photovoltaic (PV) farm along with ancillary infrastructure, security fencing, landscaping provision, ecological enhancements and associated works. The applicant is also proposing that the land can still be operated also for agricultural use.
- 1.2 The proposed solar farm will have a capacity of approximately 18 MW using solar panels fixed to the ground via metal piles and supporting infrastructure. The panels will be set between 0.8m - 3m high. This is based upon a width of approximately 6.6m. They would be laid to different lengths, fixed into position via concrete foundations with angled positions in their respective fields. There would also be a storage building and 6no 'Inverter Cabin' buildings spread across the site, these being steel construction measuring 7m long x 2.8m wide x 3m high (colour to be confirmed). Furthermore, there would be a substation building measuring 8m long x 3m wide x 3.5m high (no colour details specified). There is also CCTV and security mesh fencing (2m high) proposed.
- 1.3 Landscaping would be provided with new hedgerows provided and existing hedgerows also supplemented with native species planting.
- 1.4 This would provide approximately 24.8 Gigawatt hours (GW h) of clean renewable energy each year. The applicants outline that this would provide enough energy to power almost 8,550 homes and offset over 5,775 tonnes of CO2 per year.
- 1.5 The application site is made up of around 35.64 hectares of land to the northeast of Reepham Road, Horsford. It is currently used for agricultural purposes specifically in the cultivation of potatoes as per the business of the current tenant (Chipeez Potatoes). The site has been shown / referenced as five fields / parcels A, B, C, D and E.
- 1.6 To the north is the Broadland Northway, to the west Drayton Lane with agricultural land beyond, Reepham Road to the south with mainly agricultural land and mainly agricultural land to the east also. Access to the development will be taken from Reepham Road.

- 1.7 The Horsford Primary Circuit is the nearest segment of the 33kV local electricity network (operated by UK Power Networks - the local Distribution Network Operator) to the site. It serves electricity to all of the local homes and businesses in the area. Connection to the 33kV line underground cable runs parallel to the site and this is where the site would connect into. Other potential primary connections within the wider areas include Boundary Park, George Hill, Sprowston and any further surplus electricity generated would flow back to Norwich Main Substation.
- 1.8 The connection is from a substation onsite to an underground cable near the site access entrance. The electricity generated on the site will initially be consumed locally by homes and businesses in the area, with surplus energy being consumed elsewhere. The site has the capacity to power almost 8,550 homes.

2. Relevant planning history

- 2.1 20221789 EIA Screening Opinion Request for a Solar Farm EIA Not Required

3. Planning Policies

3.1 National Planning Policy Framework (NPPF) (2023)

- NPPF 2: Achieving sustainable development
- NPPF 4: Decision-making
- NPPF 6: Building a strong, competitive economy
- NPPF 11: Making effective use of land
- NPPF 12: Achieving well-designed places
- NPPF 14: Meeting the challenge of climate change, flooding and coastal change
- NPPF 15: Conserving and enhancing the natural environment
- NPPF 16: Conserving and enhancing the historic environment

3.2 Other Central Government Guidance / National Guidance

- Planning Practice Guidance (PPG) – Renewable and low carbon energy (2015, updated August 2023)
- (Central Government) Powering our Net Zero Future (December 2020)
- (Central Government) Build Back Better: our plan for growth (March 2021)
- (Central Government) Net Zero Strategy: Build Back Greener (April 2022)
- (Central Government) Upgrading Our Energy System: Smart Systems and Flexibility Plan (2017, updated October 2018)
- (Central Government) National Infrastructure Strategy (November 2020)
- (Central Government) Overarching National Policy Statement for Energy (EN-3) (2023, Updated January 2024)
- (Central Government) British Energy Security Strategy (April 2022)
- (Central Government) The Ten Point Plan for a Green Industrial Revolution (November 2020)

Solar and protecting our Food Security and Best and Most Versatile (BMV) Land (May 2024)

Future Energy Scenarios, National Grid ESO (2023, expected update July 2024)

The Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (updated December 2016)

UK Civil Aviation Authority (CAA) – Solar Photographic Systems – Interim Guidance, cancelled 2012 however still available until formal policy developed*

**The applicants in their Glint and Glare Study note that they have used further guidance for solar technologies relative to airports has been provided by the United States Federal Aviation Administration (FAA) in 2010, updated 2013.*

3.3 Greater Norwich Local Plan (GNLP) (2024)

Policy 1: The Growth Strategy

Policy 2: Sustainable Communities

Policy 3: Environmental Protection and Enhancement

Policy 6: The Economy

3.4 Broadland Local Plan Development Management DPD Policies (DM DPD) (2015)

Policy GC1: Presumption in favour of sustainable development

Policy GC2: Location of new development

Policy GC4: Design

Policy GC5: Renewable Energy

Policy EN1: Biodiversity and habitats

Policy EN2: Landscape

Policy EN3: Green Infrastructure

Policy TS3: Highway safety

Policy TS4: Parking guidelines

Policy TS6: Public safety zones

Policy CSU1: Additional Community Facilities

Policy CSU5: Surface Water Drainage

3.5 Horsford Neighbourhood Plan (HNP) (2018)

Policy HBE3: High quality design

Policy ENV5: Trees and site boundaries

3.6 Drayton Neighbourhood Plan (DNP) (2016)

Policy 3: Maintaining Important Views (principally 4.28.2. Views across open land from the top of School Road to the south-east towards Hall Lane).

Although the site does not lie within the Drayton Neighbourhood Plan area (rather adjacent to its boundary), the following policy is still noted:

3.7 Supplementary Planning Documents

Broadland Landscape Character Assessment SPD (Sept. 2013)

3.8 Statutory duties relating to setting of listed buildings:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4. Consultations

4.1 Parish Councils

Horsford Parish Council

Object on the following grounds (comments made in Sept. 2023):

- Concerns over Glint & Glare Management Plan (hazard and increased risk to Pilots, Airport Operators, passengers and homes)
- Removal of agricultural land and change of vista / visual impact
- *“While Solar is Green Energy and the Parish Council fully support the policy of carbon zero we cannot understand why this site has been selected being Grade 3a Arable land which is excellent for growing crops. This land is better in use to grow crops for UK consumption, in this case potatoes. Broadland District Council supported the tenant farmer to grow this crop when they awarded grants to the tenant farmer to set up his potato business Chipeez. Losing this land will mean the closure of this new set up business that employs 6 people locally.”*

Drayton Parish Council

Object on the following grounds (comments made in Sept. 2023):

“The Council objects to this planning application as they are concerned for the loss of quality agricultural land, and the potential impact on aircraft due to glare.”

4.2 District Councillors

District Member Nich Starling has called in the application:

“The reasons for calling this in are:

- Significant local interest in this meaning the council needs to be transparent about decision making.
- Parish Council request to call it in.
- Concerns raised by businesses whose economic viability may be effected by the changed use on land they use.”

4.3 Norwich Airport

Conditions required (otherwise objection raised).

Civil Aviation Authority (comments made in Sep. 2023)

4.4 Referral to CAA if aerodrome operator maintains an objection (in accordance with Central Govt. Circular 01/2003).

4.5 Norfolk County Council Highways

No objection (subject to condition).

4.6 Norfolk County Council Historic Environment Service

Conditions recommended.

4.7 Natural England

No comment to make.

4.8 BDC Ecology and Biodiversity Officer

No objections (subject to conditions).

4.9 BDC Environmental Quality Officer

Conditions recommended.

4.10 BDC Landscape Architect

No objection (subject to conditions).

4.11 BDC Senior Heritage and Design Officer

No objection.

4.12 Norfolk Constabulary Architectural Liaison Officer

Advice recommended around fencing, CCTV, hedgerow treatment etc.

4.13 Anglian Water

No objection raised.

4.14 BDC Economic Development Officer

“Further to our discussion today I met with Carl Waller-Barrett on the 23/10/23 to discuss his objection to the Glebe Farm Planning Application. Attached picture shows the land which is owned by DNC Farm Limited rather than leased/rented. I have reviewed their financial budgets which forecasts the financial impact and the reduction in land available to grow potatoes at a 43% reduction. Their objection is broadly based on the additional cost to their

business by way of having to source suitable (irrigated land) which from my own research suggests the going rate is circa £400-£450 an acre compared to currently what they pay I estimate as <£100 (average) an acre based on the information they provided.

Whilst it is clear their costs will materially increase should they have to source additional land suitable for growing potatoes there is land available, albeit at the current commercial terms.”

National Grid

4.15

No comments received.

4.16 Council for Protection of Rural England

No comments received.

Other Representations

4.17 1 letter of objection and 3 letters of representation received raising the following matters:

Objection

- As tenants of the farm for 65 years, there will be a detrimental impact upon our farming business, which could cease trading
- Set on grade 3a agricultural land with a new modern irrigation system in place
- Reduce land holding by around half making remaining land unviable.
- In 2022 farm received grant from EU / Broadland District Council for £104,000 for diversifying the farm to incorporate a potato business (which could be lost if certain conditions are not met)
- Business depends on own potato production based on rotation of fields every five years
- Rental of further land would be expensive
- Northern Distributor Road sliced the farm into two parts which resulted in new irrigation system provided by Broadland District Council at £60,000 in compensation
- Cereals lost over a 40 year period would equate to 9900 tonnes (341 lorry loads) and 1 million bags of 5kg pre prepared potatoes
- Profit estimated to be reduced by approximately 56% following land take
- Visual impact when viewed within Horsford landscape

Representations

- Suggestion (as also endorsed by Norwich Cycling Campaign and supported by Community Sports Foundation – owners / operators of ‘The Nest’) has been made to incorporate cycle / footpath on the south-west side of the site (i.e. Reepham Road between Drayton Lane and Holly Lane) to link up with others in area and given future developments within other nearby communities (e.g. Drayton, Horsford, Thorpe Marriott).

5 Assessment

Key considerations

5.1 The key considerations in determining this application are:

- Principle of development
- Use of agricultural land
- Landscape impact
- Design
- Heritage considerations
- Ecology and arboricultural considerations
- Aviation safety
- Highway Matters
- Residential amenity
- Employment

Principle of development

5.2 Under Section 38 of The Planning and Compulsory Purchase Act 2004, the determination of planning applications must be in accordance with the approved development plan unless material considerations indicate otherwise.

5.3 Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate. It also outlines that it should support renewable and low carbon energy and associated infrastructure. Paragraph 158 of the NPPF goes on to outline that Local Planning Authorities should approve applications for renewable and low carbon energy if its impacts are (or can be made) acceptable.

5.4 This proposal, like a targeted selection of other energy projects in the area, would help to help deliver Central Government's climate change policy and drive to net zero target for 2050, namely that *"any emissions would be balanced by schemes to offset an equivalent amount of greenhouse gases from the atmosphere, such as planting trees or using technology like carbon capture and storage"* (House of Commons Library, UK Parliament, 2 June 2023).

5.5 In this regard it is noted that the Council has declared a Climate Emergency on 23rd July 2023 noting:

"1) Council recognises the dangerous and accelerating effects of unmitigated climate change and ecological destruction for Broadland, Norfolk, and globally.

2) Council resolves to declare a Climate and Biodiversity Emergency to highlight the importance and significance of climate change and biodiversity in all we do.

3) Council resolves to act accordingly within the limits of its resources and powers and report back regularly on progress."

5.6 In respect of National Policy Statements, the National Infrastructure Strategy, the British Energy Security Strategy, the Industrial Decarbonisation Strategy, and the Government's 10-point Action Plan for a Green Industrial Revolution, all of which are noted to actively support development that will assist in the transition to a low carbon future. The 'National

Grid Future Energy Scenarios' project a significant demand / investment required for energy storage projects over forthcoming years.

5.7 Planning Practice Guidance (PPG) on renewable and low carbon energy (2015) states:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.” (Paragraph 001)

5.8 The PPG also outlines that planning applications should consider:

- *the need for renewable or low carbon energy does not automatically override environmental protections;*
- *cumulative impacts require particular attention (especially in the case of wind turbines and solar farms);*
- *local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting;*
- *protecting local amenity is an important consideration which should be given proper weight in planning decisions. (Paragraph 007).*

5.9 The PPG goes on to outline that:

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.” (Paragraph 013).

5.10 The PPG at paragraph 013 goes to explain the particular factors a Local Planning Authority will need to consider, and this includes encouraging effective use of land by providing large scale solar farms on previously developer and non-agricultural land (where not environmentally high value). It further states:

“where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.”

5.11 The guidance recognises that solar farms are often temporary structures and planning conditions can be used to ensure their removal when redundant, with the land restored to its previous use. Furthermore, it highlights that visual impact, glint and glare and aircraft safety are important considerations.

5.12 Great care should be taken with the relationship to heritage assets, the potential to mitigate any landscape / visual harm with native hedges and the impact of security features like fencing and lighting. Energy potential and the orientation of the site to the

sun are all factors that the PPG advises to help determine a site's credentials for renewable energy development.

- 5.13 As recently as May this year, a Government Ministerial Statement was released on the issue of solar and protecting our food security and Best and Most Versatile (BMV) Land. This highlights that heightened geopolitical risk has brought the issue of UK food security into sharper focus. This in turn has further emphasized the importance of deployment at speed of renewable energy in the UK to provide more energy security as reinforced in the National Policy Statement (EN-3) which stated:

“Solar also has an important role in delivering the government’s goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)”.

- 5.14 The Ministerial Statement on use of BMV land relative to solar development explains (and further highlights) that these developments should preferably use land which is of poorer land quality (i.e. not grade 1, 2, 3a of the Agricultural Land Classification). This is broadly consistent with the NPPF which states at chapter 15, the importance of the economic and wider benefits of best and most versatile agricultural land should be considered as part of the consideration of contributing to / enhancing the natural and local environment. The NPPF outlines that this is particularly important in plan making when considering where ‘significant’ development of agricultural land is demonstrated to be necessary.
- 5.15 The BMV land / solar Ministerial Statement also notes that cumulative impact in geographical clustering should also be carefully considered whilst a renewable energy database will be enhanced further monitoring the use of such land.
- 5.16 In addition to the national context, the site is located within an area designated as countryside in the local plan. Policy GC2 of the DMDPD identifies that development outside of settlement limits will be permitted where the development does not result in any significant adverse impact where it accords with a specific allocation and/or policy of the development plan.
- 5.17 In this case policy GC5 of the DMDPD is directly applicable and states that proposals for renewable energy technology and associated infrastructure will be encouraged where its impacts are (or can be made) acceptable.
- 5.18 Policy 2 of the GNLP outlines that: *“Proposals for free standing decentralised, renewable and/or low carbon energy networks, except for wind energy schemes, will be supported subject to the acceptability of wider impacts.”*
- 5.19 On this basis there is national and local policy “in principle” support for solar farms in countryside locations such as this provided that “development does not result in any significant adverse impact” as identified in policy GC2 and where it also successfully fulfils detailed national considerations (agricultural, visual, landscape, safety etc) as outlined above.

Use of agricultural land

- 5.20 The PPG sets out that where a proposal involves greenfield land, as in this case, the preference is to use poorer quality agricultural land. BMV agricultural land is classified as grades 1, 2 and 3a. This application has provided an assessment of agricultural land

quality within the site. This has confirmed that the proposal will be located on 28 hectares (74%) of grade 3a land and 8 hectares (26%) of grade 3b land.

- 5.21 Overarching National Policy Statement for Energy (EN-3) states that while land type should not be predominating factor in determining site selection, applicants should where possible utilise brownfield land, contaminated land and industrial land. It goes on to explain that development upon BMV land is not prohibited but impacts should be considered, and applicants should explain their choice of site. Consideration may be given as to whether the proposal allows for continued agricultural use. The applicants have produced a 'Site Search and Use of Agricultural Land' document.
- 5.22 Solar farms must address a range of planning considerations at both national and local levels, and at the same time meet the criteria set for electricity infrastructure by the National Grid and Distribution Network Operators (DNOs). The electricity network was designed for centralised generation and as a result, large parts of the network do not have the capacity to accommodate new connections. Therefore, project locations are determined in relation to available grid connection capacity rather than by locally specified needs.
- 5.23 The 33kV line connecting to the Horsford Primary Circuit was identified as having some capacity to connect a generation project. The applicants have identified that capacity exists on the 33kV line and therefore sought sites within a 1km search area. The proposal would serve electricity to local homes and businesses in the area.
- 5.24 Although PPG does not specify the exact parameters of how to conduct a sequential assessment for solar developments, typical expectations are to avoid areas identified for housing or likely to flood for instance as well as considerations around BMV land. Ecological and heritage considerations also feature in the applicants' sequential approach as well as physical attributes and cost implications of making a viable connection to the grid.
- 5.25 The applicants have shown a range of sites within the search area within the site search supporting document. This has included a review of the Council's brownfield register, however such sites of scale – based upon being around 30-50 hectares (as considered to be the broad appropriate scale in viability terms) do not appear to exist in the area and other non-agricultural land uses within the search area are alternatively not suitable i.e. generally roads and woodland in the area.
- 5.26 The document clearly shows a number of alternative sites (which have been first considered / investigated as which would be outside of the expected grade 1 and 2 agricultural classification) and of these, reasonable grounds have discounted their further investigation. These amount to factors such as being located in an area of higher risk flood zone 3 (site 1), site near / currently being developed for housing (site 2), closer proximity to the airport (site 3), impact on setting of listed building (site 4) and in the case of four further sites (A-D) these landowners when approached have not engaged in any discussions to take these sites forward. Thus, within the 1km search area, it is not considered that a different site is available or apparent which suitably could form a preferred alternative in non-agricultural use or when seeking to avoid use of BMV land.
- 5.27 Notwithstanding the above the applicants state that the solar farm would still allow for some form of agriculture to continue on the site by virtue of the installation allowing sheep to graze underneath. They also point to the solar farm being temporary in nature although this could be up to 42 years.

- 5.28 Objection has been received from the existing tenant farmer who (in respect of the site as part of their farmed land area) operates a business growing, harvesting and packaging potatoes; this is understood to be generally for commercial businesses such as restaurants etc. This would take a significant but not exclusive area from their current land farmed which is rotated for potato planting alongside their other (off-site) activity such as the keeping of a collection of cattle.
- 5.29 Their objection raises concerns that a significant level of investment has been put into the business including some grant funding assisting with start-up and irrigation costs which would be affected in delivering an ongoing efficient business model. The use of the land here would not necessarily preclude the ongoing business although it is accepted that alternative land sources for their lost area may be further away and not set at as commercially attractive / equivalent rates. It is also noted that the tenancy arrangements are understood to be short term and as a private tenant, this is not something within wider legal controls of the farmer. The Council's Economic Development Officer concurs that this could affect profit margins notably, but a profitable business could still be potentially operated.
- 5.30 The land is not contained with the higher grades 1 and 2 but it is accepted that the majority would be within grade 3a. As the amount is over 20 hectares, consultation with Natural England has been undertaken. This consultee has raised no objection or specific comment on the issue. The loss of 36 hectares in arable terms would not be without some regret however the size of this such area is equally not considered to be 'significant' in the context of the NPPF and accompanying guidance such as PPG including when considering other known cumulative developments affecting agricultural land within the wider setting. Furthermore, it is noted that the applicants are proposing of the land also doubling up for grazing purposes, which in theory would allow for a continuation of agricultural use of sorts.

Landscape impact

- 5.31 Policy EN2 of the DM DPD outlines that development proposals should have regard to the Landscape Character Assessment SPD and in particular consider, any impact upon as well as seek to protect and enhance where appropriate.
- 5.32 The site is set within Natural England Character Area 78 (Central North Norfolk). This states:

"The gently undulating rural landscape of the Central North Norfolk National Character Area (NCA) stretches from the slightly flatter, more open land of Mid Norfolk NCA, to the prominent glacial landform of the Cromer Ridge and the dynamic exposed coastline of coastal cliffs, where large storm events dramatically shape its character. This is ancient countryside with a long-settled agricultural character, where arable land is enclosed by winding lanes and hedgerows, interspersed with woodland and remnant heath and dissected by lush pastoral river valleys. A patchwork of cultivated land, numerous church spires, distant wooded horizons and big skies dominates the landscape."

Furthermore, closer regional analysis outlines the site is set in the following County Landscape Typology area RSD/SFS which refers to:

- Rolling lowland (geology/physiography) (R)
- Soft Sst / Sandy Drift (rock type) (S)
- Impoverished Soils (soils) (D)

- Mod-high Dispersal with Farms (settlement) (S)
- Large Farms (farm type) (F)
- Secondary / Recent (tree cover) (S)

- 5.33 In the context of Broadland, the site is set in the Landscape Character Area of the SPD, the site falls within area E3, Spixworth Wooded Estatelands. The character of this area forms part of an area of sands and gravels. Although land use within the area is influenced by its close proximity to Norwich, a large proportion of the area is still in arable cultivation, especially in western parts. Other parts on the urban fringe have developed other land uses like golf courses and sporting fields. The other major intervention in the land is the presence of the airport, not too far off to the east of the site. This has given a more semi-rural character to the area. The SPD was written in 2013 but the key intervention in the landscape since this point, is the construction of the Broadland Northway and in particular this crosses a significant line east to west adjacent to the proposed development on its north side. Much of the planting undertaken as part of the road building process is yet to mature but will do over time, softening the landscape further.
- 5.34 Notwithstanding the absence of detailed reference to the Broadland Northway, some of the Landscape Planning Guidelines are key and particularly apply to the area / any proposed development:
- Seek to conserve and enhance the diversity of landscape structure within the area, including the patchwork of woodland and farmland with a recognisable hedgerow structure
 - Seek opportunities for the restoration of fragmented hedgerows
 - Seek to maintain and enhance copses of mature trees and existing robust hedgerows.
- 5.35 The applicants have submitted a Landscape and Visual Appraisal (LVA) which in turn has been reviewed by the Council's Landscape Architect. This has considered the effects of the development at years 1 and 10 to consider the impact that new planting etc would have. The nearest public rights of way are approximately 340m to the south and 440m to the north respectively. Few residential properties lie in close proximity to the site.
- 5.36 A selection of viewpoints (x8) have been used to consider the development in its setting. This has been based on a 5km radius with the main radius of focus within 2km. An additional viewpoint (view from Bugg's Grove roundabout) was requested by the consultee and this has also been provided. The sensitivity of the viewpoints is mainly classified as 'medium', with one being considered to be 'high' sensitivity (view 6 – view from cycle / pedestrian route adjacent Brewery Lane).
- 5.37 The perception of change in views where they do exist would be mitigated by the management of existing and strengthening of further landscaping / vegetation within the landscape. The Landscape Architect in consultation has requested that the existing hedgerows and boundary treatment is infilled in the parts where gaps do exist. This is now shown on the revised plans including the Mitigation and Enhancements Plan (Rev V6). This includes planting of native species within the hedgerows.
- 5.38 The LVA concludes that the proposed solar farm would not completely redefine the character of the local landscape; the prevailing character of a transitional landscape between the urban edge of Norwich to the south and the more rural area to the north of the NDR A1270 would remain. The report notes that the site is generally well defined by

hedgerows and structure planting. This is not challenged and considered an accurate assessment.

- 5.39 The LVA also concludes that the higher effects would be generally experienced closer to the site boundary but that these are limited in the area. Where potential views do exist, the proposed solar farm is likely to be seen in more discrete parts rather than in its entirety and typically over a distance to ensure the impact would not be unduly prominent. On balance, it is considered by the authors that the proposed solar farm would result in an “acceptable level of effect on the character of the local landscape”. This again is not challenged and considered an accurate reflection of the wider landscape character being sufficiently safeguarded / protected under Policy EN2 and the guidance of the SPD.

Design

- 5.40 Policy 2 of the GNLP and Policy GC4 of the DM DPD contain guidance on the matter of expected high standards of design, including reference to the prevention of and deterring crime through best practice. The basic layout and arrangement of the solar panels has responded principally to aviation, topographical and field / hedgerow boundaries in the main and no specific concerns are raised in this sense.
- 5.41 Norfolk Police provided comments that highlight the importance of good boundary (fencing) and gating treatment which will respond to BS1722 industry standards; it has been advised that should be a paladin style or palisade fence would be necessary. The latter can appear more industrial in character in this semi-rural countryside setting and therefore a paladin (suitably colour coated i.e. green) would be expected.
- 5.42 CCTV has been further advised by Norfolk Police and this is included within the proposals. The storage of such equipment and other spare parts for the development should also be robust and the plans show this sufficiently (a steel structure compound is shown and again the colour is conditioned so that these sit appropriately within their setting).

Heritage considerations

- 5.43 Chapter 16 of the NPPF requires Local Planning Authorities to assess the impact of any development on the significance of heritage assets and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy 3 of the GNLP also outlines that development proposals should enhance the built and historic environment through avoiding harm to designated and non-designated heritage assets, including their setting.
- 5.44 The applicants have produced a Cultural Heritage Baseline and Impact Assessment. This has assessed the site in respect of archaeological and heritage asset considerations. This has considered designations and recordings within a 5km search area from the site boundary.
- 5.45 In respect of archaeological considerations, Norfolk Historic Environmental Service has been consulted to state that: *“Crop-marks have been recorded from aerial photographs within this large application site. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within*

the current application site and that their significance would be affected by the proposed development.”

- 5.46 As part of the grant of any planning permission, the Historic Environment Service as requested that, in accordance with the NPPF, this be subject to a planning condition that secures a programme of archaeological mitigatory work.
- 5.47 The Senior Heritage and Design Officer raises no objection to the proposals, noting his agreement with the conclusion in the cultural heritage report (para 9.4.1) that the nearby heritage assets that have been assessed do not derive any of their significance from the land within the proposals and due to physical separation, distance and intervening land form and structures (such as the embankments associated with the Broadland Northway) there will be no harmful or adverse impacts on heritage assets within the wider search area.
- 5.48 The application is therefore not considered to demonstrate any harm(s) arising to the significance of wider surrounding heritage assets / archaeological interests, but the latter of which will be subject to condition. The application is therefore considered to comply with the NPPF guidance at Chapter 16 and Policy 3 of the GNLP.

Ecology and arboricultural considerations

- 5.49 Policy 3 of the GNLP in respect of the natural environment outlines that proposals should conserve and enhance natural assets, avoid harm to the natural environment undertaking relevant assessment where necessary in the process and provide / enhance green infrastructure where possible. Further the policy expands to require development to deliver biodiversity net gain. Policy EN1 of the DM DPD further underlines that proposals will be expected to protect and enhance biodiversity interests, avoid fragmentation of habitats and deliver co-ordinated green infrastructure. Where any harm is identified it should be demonstrated that location has been taken into account, mitigation incorporated, and benefits accrued clearly outweigh the impacts. The policies reaffirm guidance set out in the NPPF at chapter 15.
- 5.50 The proposals for the solar farm come with landscaping and biodiversity enhancements. A Phase 1 habitat survey was undertaken in 2021 which forms the base of the Ecological Impact Assessment and Biodiversity Net Gain report. An Aviation Bird Hazard Assessment and Mitigation Plan has also been submitted. An updated walkover was undertaken in October 2023 to update the Preliminary Ecological Appraisal, Ecological Impact Assessment and Badger Report (all December 2023).
- 5.51 An Arboricultural Desktop Study has also been provided (April 2024) which shows a minimum 15m buffer around existing trees and hedges.
- 5.52 A Mitigation and Enhancements Plan has also been provided which would deliver the following welcome biodiversity improvements:
- Wildflower meadow planting (areas under panels not used for sheep grazing)
 - Existing hedging around the site gapped with native species
 - New tree planting to northern boundary
 - Wildlife gates strategically located along the fence line adjacent to ditches, corners and access gates

- Scrub areas and plots for breeding birds developed (in areas removed due to the aviation advice)
- New wood piles for reptiles and amphibians positioned close to water sources
- Removal of soils from intensive agriculture to allow soils to regenerate
- Space left on the northern boundary to allow biodiversity to develop

- 5.53 In respect of badgers, the further surveys undertaken in December 2023 found 2 historic setts (1, 4) and 2 active setts (2, 3) to which the solar panel layout has been amended and designed to include a 30m buffer around all these setts (this will also apply to any cabling). The amended plans also show 10 badger gates, the details of which around opening and some restrictions to ensure routes are not set towards the Broadland Northway are recommended to be conditioned. Further conditions are recommended around the fencing and cabling route relative to ecological and arboricultural interests.
- 5.54 Natural England has not raised objection to the scheme and the Ecology and Biodiversity Officer also does not object subject to conditions as outlined above. The application is considered to be compliant with DM DPD Policy EN1 and Policy 3 of the GNLP.

Aviation safety

- 5.55 The site lies in a zone of public safety, namely in respect aerodrome safeguarding to Norwich International Airport. Policy TS6 of the DM DPD states that development proposals will be expected to have regard to the public safety zones and where there will be a significant risk to public safety, planning permission will not be granted. In this case, solar panels must be considered in respect of glint and glare impacts to ensure the safety of aviation traffic within the safeguarding zone of the airport where this site is situated.
- 5.56 A Glint and Glare Study has been provided and revised in / under consultation with Norwich International Airport as operators of the aerodrome. The layout has also resulted in the removal of some panels within the eastern side of the site area. This consultee has outlined that subject to suitably worded condition (as which has been provided) being imposed, they would not object to the application.
- 5.57 The condition would relate to how the solar panels are designed and mounted and the reporting and procedural basis to any glare subsequently reported by a pilot or Air Traffic Controller, that is deemed to be a flight safety hazard.
- 5.58 As the proposed recommendation would not conflict with the advice of Norwich Airport as the aerodrome operator, the Local Planning Authority can proceed to grant planning permission and would not need to notify the Civil Aviation Authority. The application is considered, subject to condition, to be acceptable in reference to Policy TS6 of the DM DPD.

Highway Matters

- 5.59 The site lies in close proximity to the strategic road network which affords good access to the Broadland Northway. The access is taken off Reephams Road, which can be accessed a short distance from the roundabouts on Drayton Lane that link with the Broadland Northway.

- 5.60 The access is based upon the current access into the agricultural land. The Highway Authority notes that access would only be significant during the construction phase and that operationally little traffic is generated by the proposal. Its requirements are that the vehicular access is upgraded / widened to a minimum width of 6m for the first 8m of length. Furthermore, a scheme for on-site construction parking arrangements is also required and visibility splays being provided in accordance with the proposed plans. These matters can be secured via planning conditions.
- 5.61 Some suggestion through representation has been made that the site could provide additional cycle routes to link up with others that exist or are committed around Drayton and North Hellesdon. However, this is not a matter that is considered to be necessary to make the application acceptable and has not been highlighted by the Highways consultee. The development itself will not generate a significant number of trips on the network by virtue of its use / nature, whether by car users / commercial operatives, cyclists, public transport users or walkers alike. The application is considered to meet the guidance of DM DPD Policies TS3 and TS4.

Residential amenity

- 5.62 Policy GC4 of the DM DPD requires development to meet the reasonable amenity needs of all potential future occupiers. The site is generally not in close proximity to sensitive receptors (residential property) where the edge of the general residential built form to existing and new urban areas of housing is over 500m away to the south / south-west. Some sporadic individual and more isolated properties are located off Reepham Road to the south also but these are well surrounded and generally well screened by existing mature tree coverage. A Construction Management Plan has been recommended for conditioning by the Environmental Health Officer. The application is considered acceptable in respect of Policy GC4.

Employment

- 5.63 Aside from the details above in respect of the impact to the existing tenant farmer's potato business, the proposal would be expected to provide in the range of 16-20 full time positions during the construction phase (approximately half a year in total). Following construction, around four full time employees would be expected to manage and maintain the site.

Other issues

- 5.64 This application has been assessed against the conservation objectives for the protected habitats of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site concerning nutrient pollution in accordance with the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations). The Habitat Regulations require Local Planning Authorities to ensure that new development does not cause adverse impacts to the integrity of protected habitats such as the River Wensum or the Broads prior to granting planning permission. This site is located within the catchment area of one or more of these sites as identified by Natural England and as such the impact of the of the development must be assessed. The development proposed does not involve the creation of additional overnight accommodation and as such it is not likely to lead to a significant effect as it would not involve a net increase in population in the catchment and is not considered a high water use development (in respect of waste water). This application has been screened, using

a precautionary approach, as is not likely to have a significant effect on the conservation objectives either alone or in combination with other projects and there is no requirement for additional information to be submitted to further assess the effects. The application

can, with regards nutrient neutrality, be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

- 5.65 Under Section 143 of the Localism Act the council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations detailed above are of greater significance.
- 5.66 The applicants have confirmed that they are offering a community benefit fund totalling £54,000. This fund is intended to be allocated to Horsford Parish Council and Drayton Parish Council over a period of 10 years with the former receiving £3,600 annually and the latter £1,800 (contingent upon the grant of planning permission). This offering is not a matter that has featured in any communications or negotiations with the agent to date and is not assessed to be required with reference to the CIL Regulations 122 (2) tests; namely that it is not necessary to make the development acceptable in planning terms, it is not directly related to the development or fairly / reasonably related in scale and kind to the development. For transparency purposes however the offering is outlined for disclosure.
- 5.67 This application is not liable for Community Infrastructure Levy (CIL) as the application doesn't involve the construction of buildings over 100m².
- 5.68 This application is not liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) as no additional dwellings are created as part of the proposal.

Conclusion

- 5.69 The proposal would provide a source of renewable energy, enough expected to provide for over 8500 homes / businesses locally. This is a welcome and noteworthy offer in respect of Policy GC5 of the DM DPD and Policy 2 of the GNLP.
- 5.70 It is accepted that some loss of grade 3a agricultural land will result in order to facilitate the development and consideration has been taken of this in respect of the Government's Written Ministerial Statement released on 15 May 2024 (Solar and protecting our Food Security and Best and Most Versatile Land). In this respect, it is considered that the proposal amounts to a loss of such land at less than 30 hectares of coverage and that whilst some impact to profit and viability would be apparent to the existing farm tenant of the potato business currently which utilises the land, the proposal would not necessarily mean that the business could not continue to operate in utilising other arable land, albeit potentially within a wider catchment area.
- 5.71 The loss of the BMV land is in theory 'temporary' again however over a period of just over 40 years. The applicant is offering that the solar farm would jointly allow the grazing of sheep also on the site, which although would be expected to have limitations in efficient operation, does provide a certain continuation of agricultural provision on the site of sorts, just in a different form. For these reasons the use of agricultural land for the solar farm is considered appropriate in this instance.

- 5.72 Consideration has been given to the impact of the development, upon the landscape, ecology, trees, aviation and highway safety and heritage assets. These matters are considered to have been successfully dealt with through the submission of investigative documentation together with some mitigation / enhancement measures. Conditions have been proposed in accordance with the requirements of Policies GC4, EN1, EN2, TS3, TS4, TS6 of the DM DPD and GNLP Policies 2 and 3.
- 5.73 Overall, taking into account the guidance of Policy GC5 of the DM DPD and Policy 2 of the GNLP, the solar farm is considered to constitute an appropriate form of renewable energy development in the countryside where impacts can be made acceptable. The recommendation is therefore to approve subject to provision of conditions listed below.

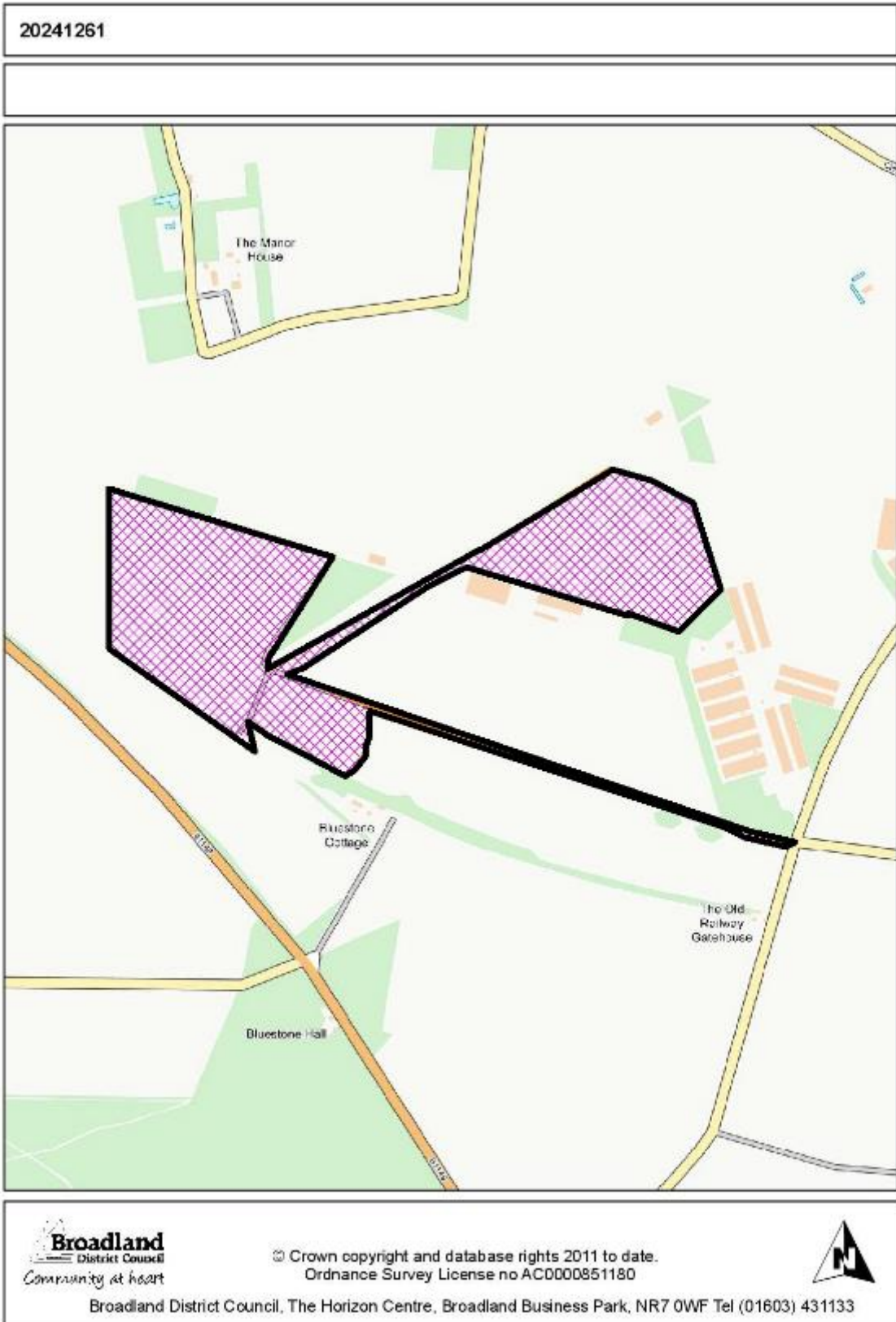
Recommendation: Authorise the Assistant Director of Planning to approve subject to the following conditions:

1. Time Limit – temporary use (42 years)
2. In accordance with approved plans
3. Aerodrome safeguarding – Glint and Glare Assessment (proposals undertaken in accordance with this document)
4. Vehicular access works
5. Visibility splays
6. Provision of on-site parking for construction workers
7. Full landscape Details
8. Full details of long-term management of landscaping (both in respect of existing and proposed)
9. Archaeological mitigatory work
10. Colour and design of fencing
11. Colour of storage and cabin buildings
12. Ecological Design Strategy
13. Construction Environment Method Statement
14. Landscape and Ecological Management Plan
15. Compliance with Mitigation and Enhancement Plan
16. Details of security fence and alignment of cables (respect of ecological and arboricultural interests)
17. Construction Management Plan
18. Colour details to be agreed for storage building, substation building and inverter cabin buildings.
19. Restoration of land following cessation of use

Contact Officer Richard Smith
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Major Applications

Application 3



**3. Application No : 2024/1261/RVC
Parish : OULTON**

Applicant's Name: Ms Julie Rankin
 Site Address Oulton Airfield The Street Oulton Norfolk
 Proposal Variation of conditions 3 & 5 of 20150952 - Extension of temporary planning permission for phases 1 & 2 from 25 years to 40 years

Reason for reporting to Committee

The Local Member has requested that the application be determined by Planning Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary

Approval with conditions

1 Proposal and site context

- 1.1 The site, which measures 18.7 ha, is located on the former Oulton Airfield, and its access is off Oulton Street. The B1149 runs approximately 120 metres to the south but otherwise the context to this site is open countryside, the former airfield runway, large industrial-sized farm buildings, and to the north-east residential properties along Oulton Street. The site in question has the benefit of a planning permission for a solar farm it has been implemented (phase 1).
- 1.2 There is considerable activity on land next to the solar farm site. The land adjacent is a main storage and construction compound for the Hornsea Windfarm, and the associated traffic uses the access onto Oulton Street via a long private concrete driveway.
- 1.3 The phase 1 solar panels, which generate 5MW, are positioned approximately 950 metres west from the site's entrance, next to the disused runway. The yet to be constructed phase 2 solar panels, which will also generate 5MW, are planned to be next to phase 1 and on the opposite side of the disused runway.
- 1.4 The application seeks to amend conditions 3 and 5 of permission 2015952 so that the solar farm must be dismantled after 40 years rather than 25 years. Other than the length of time, the conditions would be unchanged as is shown in the strikethrough and bold text below:

Condition 3 relates to phase 1:

*Either following the cessation of the use of Phase 1 of the site as a solar farm for a continuous period in excess of six months OR within ~~25 years~~ **40 years** from the date when electricity is first exported from Phase 1 of the solar farm to the electricity grid network (First Export Date), whichever is the sooner, the solar panels, mounts, inverters, substations, storage containers, CCTV cameras, wind sensors, satellite dishes and their associated mounting poles, perimeter fence and all other associated equipment shall be removed from Phase 1 of the site within six months of the cessation of operation and the land with that phase restored to the condition it was prior to the implementation of this planning permission.*

Condition 5 relates to phase 2:

*Either following the cessation of the use of Phase 2 of the site as a solar farm for a continuous period in excess of six months OR within 25 years **40 years** from the date when electricity is first exported from Phase 2 of the solar farm to the electricity grid network (First Export Date), whichever is the sooner, the solar panels, mounts, inverters, substations, storage containers, CCTV cameras, wind sensors, satellite dishes and their associated mounting poles, perimeter fence and all other associated equipment shall be removed from Phase 2 of the site within six months of the cessation of operation and the land within that phase restored to the condition it was prior to the implementation of this planning permission.*

1.5 Approving this application under Section 73 of the Town and Country Planning Act 1990 would represent a new planning consent, but the location, extent, and appearance of development will be unaltered. All the other conditions associated to the previous consent (2015952) will be retained, unless due to the passage of time they need updating or are no longer relevant due to the phase 1 solar panels already being operational.

2. Relevant planning history

2.1	20150483	Request for Screening Opinion for Proposed Photovoltaic Panels & Associated Work	EIA Not Required
2.2	20150952	Proposed Phased Development of Ground Mounted Solar Photovoltaic Panels and Associated Works Including Inverter Housings, Switchgear, Access Tracks, Underground Cabling, Security Measures and Other Ancillary Equipment and Landscaping	Approved
2.3	20152065	Application for Approval of Details Reserved by Condition 7 of Planning Permission 20150952 - Locations of Bat & Bird Boxes & Timetable for Biodiversity Enhancements	Approved
2.4	20160711	Non-Material Amendment to Planning Permission 20150952 - Changes to Layout, CCTV, Substation, DNO and Fencing	Approved
2.5	20161612	Application for a Non-Material Amendment following grant of Planning Permission 20150952 - Amendment of Biodiversity Management Plan	Approved
2.6	20171781	Hornsea Project Three Offshore Wind Farm Statutory consultation under Section 42 of the Planning Act 2008 and Regulation 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009	EIA required

2.7	20181024	Nationally Significant Infrastructure Projects Offshore Windfarm Underground Cable Route	Observations on determination
2.8	20212233	National Infrastructure Development Consent Order for Hornsea Project Three Offshore Wind Farm (Planning Inspectorate Reference: EN010080) Various other National Infrastructure Development Consent Order for Hornsea Project Three Offshore Wind Farm – 20211249, 2022/0972, 2022/2069, 2022/2070, 2022/2082, 2022/2088, 2022/2089, 2022/2115, 2022/2139, 2022/2376, 2022/2416, 20221835, 20221970, 2023/0095, 2023/0097, 2023/1319, 2023/1477, 2023/2567, 2024/0132, 2024/0483, 2024/1261	Approved

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

- NPPF 02 : Achieving sustainable development
- NPPF 04 : Decision-making
- NPPF 12 : Achieving well-designed and beautiful places
- NPPF 14 : Meeting the challenge of climate change, flooding and coastal change
- NPPF 15 : Conserving and enhancing the natural environment
- NPPF 16 : Conserving and enhancing the historic environment

3.2 Other Central Government Guidance / National Guidance

- Planning Practice Guidance (PPG) – Renewable and low carbon energy (2015, updated August 2023)
- (Central Government) Powering our Net Zero Future (December 2020)
- (Central Government) Build Back Better: our plan for growth (March 2021)
- (Central Government) Net Zero Strategy: Build Back Greener (April 2022)
- (Central Government) Upgrading Our Energy System: Smart Systems and Flexibility Plan (2017, updated October 2018)
- (Central Government) National Infrastructure Strategy (November 2020)
- (Central Government) Overarching National Policy Statement for Energy (EN-3) (2023, Updated January 2024)
- (Central Government) British Energy Security Strategy (April 2022)

(Central Government) The Ten Point Plan for a Green Industrial Revolution (November 2020)

Solar and protecting our Food Security and Best and Most Versatile (BMV) Land (May 2024)

Future Energy Scenarios, National Grid ESO (2023, expected update July 2024)

The Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (updated December 2016)

3.3 Greater Norwich Local Plan (GNLP) 2024

Policy 1 : The Growth Strategy

Policy 2 : Sustainable Communities

Policy 3 : Environmental Protection and Enhancement

Policy 6 : The Economy

3.4 Broadland Local Plan Development Management DPD 2015

GC1 : Presumption in favour of sustainable development

GC2 : Location of new development

GC4 : Design

GC5 : Renewable Energy

EN1 : Biodiversity and Habitats

EN2 : Landscape

TS3 : Highway Safety

3.5 Supplementary Planning Documents (SPD)

Landscape Character Assessment SPD: Blickling and Oulton Wooded Estatelands

3.6 Statutory duties relating to setting of listed buildings and conservation areas

Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission or listed building consent for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the same Act provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of [the Planning Acts], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

3.7 Other material considerations

Overarching National Policy Statement for Energy (EN-1)

National Policy Statement for Renewable Energy Infrastructure (EN-3)

4. Consultations

4.1 Oulton Parish Council

Taking good agricultural land out of food production is against the national interest, especially given the geo-political situation worldwide. There are a number of solar projects stuck in a queue due to constraints of the National Grid and a decision to further extend the lifetime of this solar farm need not be taken until nearer its end date. Approving this application means the loss of agricultural land for longer, and the proximity of other energy projects.

Data is provided to support the objection. This includes the amount of energy to flow along the nearby cable routes of Orsted's Hornsea 3 and Vattenfall's (RWE) Vanguard and Boreas projects; that 76% of the site is agricultural classification 3a and 24% is 3b; and that in the region of 200GW of energy projects are constrained by National Grid Infrastructure.

Reference is made to the nearby application 20201776, which was refused and dismissed on appeal, for which it is argued the same reasons apply to this application. Key points being the loss of best and most versatile farmland and cumulative impacts, and how application 20201776 conflicts with Development Management policies EN2, GC2, GC5, Joint Core Strategy policy 17, the March 2025 Ministerial Statement, and the NPPF.

4.2 District Councillor Cllr S Riley

The application is called into Planning Committee if it is recommended for approval. The reasons are that extending the solar farm from 25 years to 40 years stretches the concept of temporary, and the site contains BMV land (76% 3a & 24% 3b). Approving this scheme is not consistent with application 20201776 being refused and dismissed on appeal. Furthermore, nearly 10 years on from the original permission, the need to produce as much food as possible with in the UK and locally is better understood.

A query is raised as well, it being noted that the Phase 2 part of the original permission is not built. The question then being that if the Phase 2 were built could it not operate for 40 years from its first operation, for example if it began operating in 2025 could it not continue 40 years until 2065?

4.3 Environmental Quality (Protection)

No objection is made but attention is drawn to recycling materials from the solar and battery storage facility in accordance with legislation like the Waste Electrical and Electronic Equipment Regulations.

4.4 NCC Highways

No objection.

4.5 Historic England

Historic England provides advice when its engagement can add most value. In this case no advice is offered but this should not be interpreted as comment on the merits of the application.

4.6 Environment Agency

No comments received

4.7 NCC Minerals & Waste Planning Officer

No comments received

4.8 Other representations

None received.

5 Assessment

5.1 Key considerations

- Principle of development
- Conservation and listed buildings
- Loss of best and most versatile agricultural land
- Nearby energy projects

Principle of development

- 5.2 The context to this application is the importance to be afforded to renewable energy projects. Examples being paragraphs 152, 157, and 158 of the NPPF, the Overarching National Policy Statement for Energy (EN-1), and the National Policy Statement for Renewable Energy (EN-3). These documents say that solar energy is a secure, reliable, and affordable means for the country to meet its 2050 target for net zero greenhouse gas emissions.
- 5.3 Other Government policy also supports the transition to a low carbon future, examples of which are the British Energy Security Strategy, the Industrial Decarbonisation Strategy, and the Government's 10-point Action Plan for a Green Industrial Revolution. Yet, this emphasis towards renewable energy does not mean other considerations are overridden, and the Planning Practice Guidance (PPG) on renewable and low carbon energy lists what should be considered when determining planning applications.
- 5.4 Such factors are overriding environmental protections, cumulative impacts, damaging effect on landscape, ensuring heritage assets are conserved, and protecting local amenity. All of which are identified in paragraphs 007 and 013 of the Planning Practice Guidance (PPG) on renewable and low carbon energy (2015), and which underpins the government's NPPF.
- 5.5 In the case of this application, which involves placing a solar farm on greenfield land, it is relevant to note a Ministerial Statement from May this year on the issue of solar farms and protecting our food security through the retention of Best and Most Versatile (BMV)

Land. Equally, there is the question of protecting energy security, which is referred to in National Policy Statement (EN-3), and to do this by encouraging more renewable energy.

- 5.6 As well as the national policy context, I appreciate the Council's own priorities in reducing greenhouse gas emissions, having declared a Climate Emergency on 23rd July 2023 and setting a main priority to reach net zero by 2030. In principle the Council's own priorities is therefore towards expanding capacity for solar energy.
- 5.7 Whilst acknowledging this wider context to renewable energy policy, it is necessary to note that Application 20150952 was given consent and is an extant permission because of phase 1 being constructed. On which basis it is not relevant to consider the overall principle of locating a solar farm on this site, but to instead focus on the appropriateness of extending the solar farm's lifespan from 25 to 40 years.
- 5.8 I do not consider that extending the solar farm's lifespan by 15 years alters the principle of development set by permission 20150952 and in determining this question I have given particular attention to paragraph 163 of the NPPF. Paragraph 163 sets out that when determining renewable and low carbon development authorities should a) not require applicants to demonstrate the overall need for renewable or low carbon energy, b) to approve applications that are or can be made acceptable, and c) to give significant weight to the repowering or life-extension of existing sites.
- 5.9 Consultees who objected to this application cited their reasons as the queue of renewable energy projects that are stuck due to insufficient National Grid infrastructure, the amount of other renewable energy projects around Oulton, and the loss of best and most versatile farmland. Against the provisions in paragraph 163 these objections are difficult to substantiate as reasons for refusal.
- 5.10 Paragraph 163 a) says applicants are not required to demonstrate the "overall need" for renewable energy and this diminishes the reasons to refuse this application, either for the queue of renewable energy projects delayed by National Grid infrastructure constraints or the other nearby solar farms and offshore wind farm cable routes. Sub-clauses b) and c) weigh in favour of the loss of farmland being acceptable, by virtue of the principle being accepted by the extant permission 20150952 and by c) giving "significant weight" to extending the lifespan of existing sites - but I consider further the issue of best and most versatile farmland later in this report.

Conservation and listed buildings

- 5.11 Notwithstanding the existing planning permission 20150952 having established the principle of development, I have given regard to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, but I am satisfied that the setting and historic interest of the area will continue to be preserved. This is due to the presence of other buildings and hedgerows in the intervening space between the site, and the level of separation from the site to nearby listed buildings, registered parks and gardens, and conservation areas.
- 5.12 The nearest listed building is the Grade II listed farmhouse at Malthouse Farm, which is located approximately 600m to the northeast of Phase 2. Likewise, the edge of the Blickling Conservation Area is approximately 500m to the east, and the edge of the Blickling Hall Park and Garden is approximately 900m away. In the opposite direction, the Heydon Hall Park and Garden is approximately 1,900m to the west of Phase 1.

- 5.13 When the original planning permission was determined the presence of other buildings and hedgerows and the intervening space to heritage assets was deemed sufficient to avoid harm. I consider this assessment still to be true, and I expect this to continue to be the case irrespective of whether the solar farm's lifespan is extended to 40 years. On which basis, requirements under chapter 16 of the NPPF, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policy 3 of the GNLP are met.

Loss of best and most versatile agricultural land

- 5.14 76% of the site is Grade 3a land while 24% is Grade 3b land, and this issue was considered when consent was first given. A site selection assessment accompanied the 20150952 application and it found that within the radius of Salle primary substation limited availability existed for other locations to put a solar farm.
- 5.15 9 years on from the original permission, consultees remain concerned about the loss of much needed farmland and therefore argue that use of the land as a solar farm should not be extended to 40 years. The NPPF recognises this concern, referring at paragraph 180 c) to the intrinsic character and beauty of the countryside, as well as benefits of the best and most versatile agricultural land.
- 5.16 Equally, NPPF paragraph 88 b) applies to this application, and here it emphasises that planning decisions should enable the diversification of agricultural and other land-based rural businesses. In supporting a prosperous rural economy there is an argument for allowing farming businesses to diversify into industries such as renewable energy, because by doing so the farm business can remain viable and able to continue food production elsewhere on its estate.
- 5.17 Diversifying the farm business at Oulton is an argument put forward for this application, as is the argument that the land for the solar farm is not the best and most versatile for crop growth. The applicants say that the land for and around the solar farm gives lower than average yields, and that their 'on the ground' farming results challenges the agricultural land classification that it is the best and most versatile for crop growth.
- 5.18 In respect to diversifying their farm business, the landowner writes:

The solar farm certainly is an important form of our farm diversification, providing a regular guaranteed rental income. The area the solar farm sits on, represents a very small area of our overall holding, but generates a significant amount of income for us on a £/ha basis. This has become even more important since the reduction in the payment values and phasing out of the Basic Payment Scheme, with the final payment being made in 2027. Our farm has always been part of some form of environmental scheme, which has run alongside BPS, our 10-year Higher Level Stewardship scheme came to an end in 2021 and we have subsequently entered a new 5-year Countryside Stewardship scheme in 2022. The loss of income from the BPS, cannot be made up from the various BPS replacement Environmental Land Management schemes, and therefore farm diversification projects are essential to support our business, with the extremely challenging market place the agricultural sector finds itself in today.

- 5.19 Allowing the solar farm to operate for 40 years would almost certainly reduce its output for farming, but there are counterarguments. These are that even with the solar panels in-situ potential exists for grazing sheep on the land and by removing the land from intensive agricultural practice soil quality could improve.

Nearby energy projects

- 5.20 Oulton Parish Council points out that the local area is making an enormous contribution to the nation's goal for achieving net zero, due to the solar farms that have been permitted and because of its location at the crossover point of two cable routes for offshore wind farms. Whilst true, these facts do not of themselves amount to reasons for refusing the current planning application, and I am conscious of the support given in national planning policy to extending the lifespan of renewable energy projects at paragraph 163 c).
- 5.21 Oulton Parish Council refers also to a planning decision made by the Council in 2022 as a basis to refuse this application. However, this decision (20201776) and its appeal process ran in parallel to two further applications (20211249 and 20211288) that were approved by the Council.
- 5.22 Permissions 20211249 and 20211288 in my view outweigh the appeal decision referred to by Oulton Parish Council. Furthermore, these permissions both gave temporary consent for 40 years, and adds credence that normal practice within the solar sector is for solar farms to operate for a 40-year period.

Other considerations

- 5.23 This application is not liable for the Community Infrastructure Levy.
- 5.24 The effect of approving this application would be to grant a new planning permission. Where appropriate, previous conditions would be carried forward, amended or omitted as necessary, and this would be reflected in the content of the decision notice.

Conclusion

- 5.25 In my judgement this application complies with national policy and to approve this application would meet the requirements of NPPF paragraph 163. The principle of development has been set by the original permission 20150952, and when considering other issues to do with conservation, listed buildings, the value of the land for agricultural use, and the presence of nearby energy projects, I deem the application to be acceptable.
- 5.26 When considering this application against national and local policies, there are benefits to renewable energy projects and an argument for allowing farming businesses to diversify. Therefore, I recommend approval to allow phase 1 of the solar farm to operate until 2056, and for the yet to be built phase 2 solar farm to operate for 40 years from its first energisation.

Recommendation

Approval with Conditions

1. Development to take place in accordance with relevant submitted plans and documents
2. Operation of Phase 1 from 16th February 2016 for 40 years and subsequent removal of all solar farm equipment
3. Operation of Phase 2 from first date of electricity export for 40 years and subsequent removal of all solar farm equipment
4. Written confirmation of date from which Phase 2 exports electricity
5. Implementation and ongoing management of Biodiversity Management Plans on Phases 1 and 2
6. Means of access from B1149
7. Adherence to Construction Traffic Management Plan
8. Visibility splays provided in accordance to approved plans and maintained thereafter

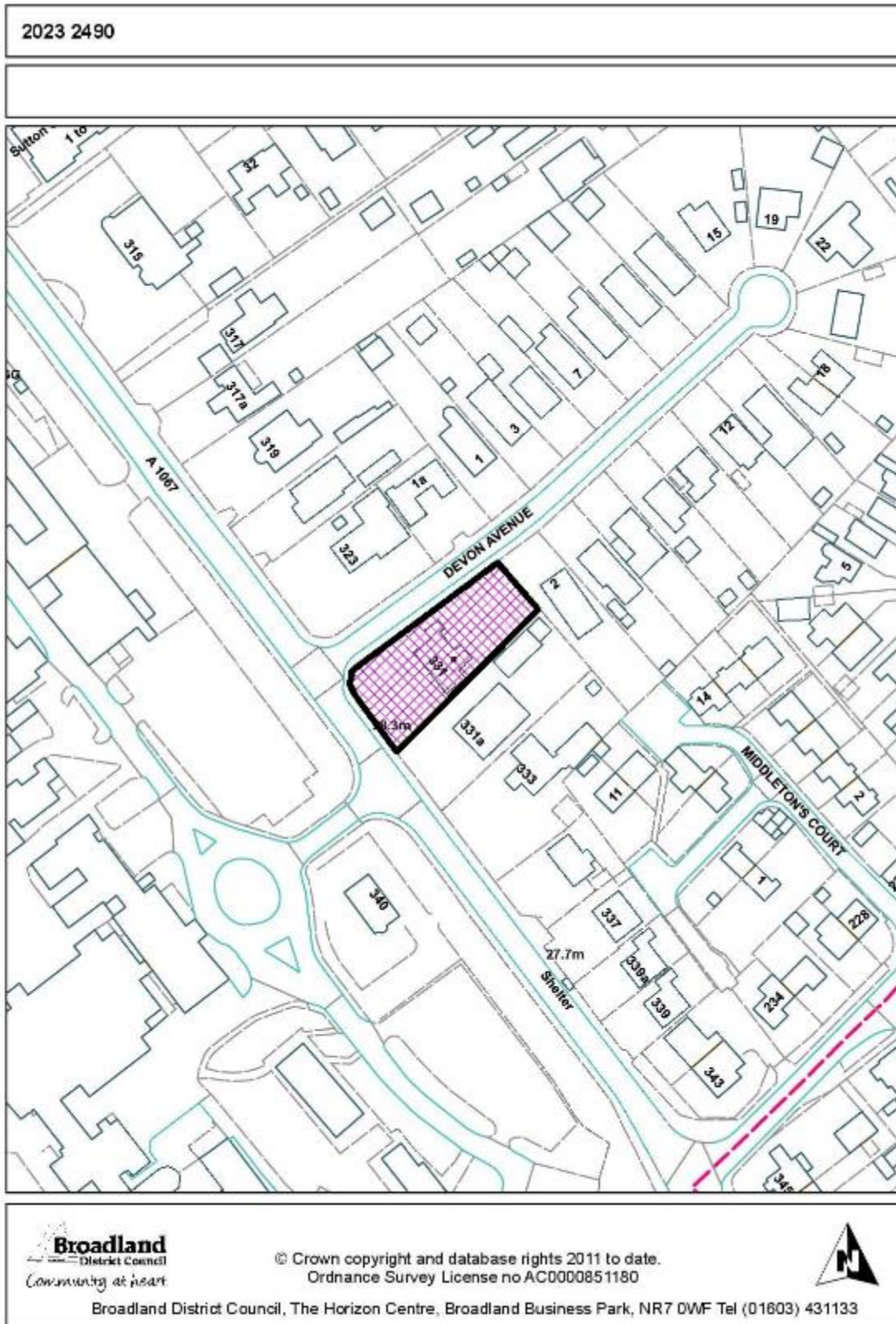
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Other Applications

Application 4



**4. Application No: 2023/2490
Parish: HELLESDON**

Applicant's Name: William Clark
 Site Address: 331 Drayton High Road, Hellesdon, NR6 5AA
 Proposal: Erection of building to be used as a care facility (use class C2) with associated landscaping scheme and car parking for young adults following the demolition of existing bungalow.

Reasons for reporting to committee

The Local Member has requested that the application be determined by the Development Management Committee for appropriate planning reasons as set out below in section 4.

Recommendation summary:

Delegate authority to the Assistant Director of Planning to approve subject to conditions, nutrient credits being secured and a unilateral undertaking securing GIRAMs.

1 Proposal and site context

- 1.1 The application seeks the erection of building to be used as a care facility (use class C2) with associated landscaping scheme and car parking for 7 young adults following the demolition of existing bungalow.
- 1.2 331 Drayton High Road is located within the settlement boundary of the parish of Hellesdon. The site has an existing bungalow that is not currently occupied, it was last occupied in 2023 and vehicular access is provided from Devon Close. Drayton High Road is characterised by a mixture of uses including residential and commercial uses, Hellesdon Hospital is situated opposite the site. The neighbouring site to the south is an existing C2 care facility which has been operating since 2016, and the site to the north is a commercial vet.
- 1.3 The application has been subject to two sets of amended plans, following concerns being raised about overdevelopment of the site and highways. The amended plans have resulted in the reduction of the height of the building to alleviate concerns over massing and bulk and site layout to overcome concerns raised by Highways.

2 Relevant planning history

2.1	20150560	Change of Use of House and Garage from Dwelling House (C3) to House Providing Residential Care (C2)	Approved
2.2	20170049	Single Storey Side Extension & Canopy to Existing Residential Care Home	Approved

Appeal History
None

3 Planning Policies

3.1 National Planning Policy Framework (NPPF)

NPPF 02 : Achieving sustainable development

NPPF 04 : Decision-making

NPPF 05 : Delivering a sufficient supply of homes

NPPF 06 : Building a strong, competitive economy

NPPF 09 : Promoting sustainable transport

NPPF 11 : Making effective use of land

NPPF 12 : Achieving well-designed and beautiful places

NPPF 14 : Meeting the challenge of climate change, flooding and coastal change

NPPF 15 : Conserving and enhancing the natural environment

3.2 Greater Norwich Local Plan (GNLP)

Policy 1 : The Sustainable Growth Strategy

Policy 2 : Sustainable communities

Policy 3 : Environmental Protection and Enhancement

Policy 5 : Homes

Policy 6 : The Economy

3.3 Broadland Local Plan Development Management Policies (BDM DPD)

Policy GC2 : Location of New Development

Policy GC4 : Design

Policy EN1 : Biodiversity and Habitats

Policy TS3 : Highway Safety

Policy TS4 : Parking Guidelines

Policy CSU5 : Surface Water Drainage

Policy H5: Residential institutions

3.4 Hellesdon Neighbourhood Plan

Policy 3 : High Quality Residential Neighbourhoods

4 Consultations

There have been three consultations of this application for 21 days as follows:

- 20 September 2023
- 12 February 2024 after the submission of amended and further information and
- 4 June 2024 after submission of amended plans and further information

4.1 Hellesdon Parish Council – objects

First set of comments in October 2023:

Overdevelopment of site, out of scale and character with existing development, detrimental to the amenities of neighbours and other residents, lack of parking and amenity land.

These comments were maintained and substantiated after being re-consulted in February 2024:

Please be advised that the Parish Council retains its strong objection to this application. Scale of development is excessive contrary to policy GC4 (ii). New entrance/egress now situated on Devon Avenue is unsuitable due to proximity to the T junction to a main road, and Devon Avenue itself being a narrow road. Opposite there is also the entrance / egress to another commercial property, compounding traffic issues. Contrary to policy TS3. The new proposal is to remove mature trees to create a new entrance. There is also a significant loss of garden space as the annexe is being built in the existing garden. The landscaping proposal does not mitigate the net biodiversity loss. Contrary to Policy EN1.

Whilst the amount of parking spaces has been increased, there is no detail about the level of staff being onsite at any one time. Norfolk County Council's representation (31st October) states that 'there is potential for 3 single occupancy flats [proposed]. This would support someone who would find it difficult to share communal space, and they might need a higher staffing ratio for some of the time'. The applicant also emphasises the use of a minibus to negate extra vehicle movement [Q&A Cascade Care: Ramsey House]. Could we please ask the planning officer to check whether a minibus could be stored and could enter and egress the site safely in first gear with an adequate turning circle if other car parking spaces are being utilised.

After the final re-consultation in June 2024 following submission of amended plans and additional information:

Hellesdon Parish Council maintains its objection on the same grounds as set out in February 2024.

4.2 District Councillor – objects

Cllr Lacey Douglass objected in October 2023 on the following grounds:

- Concern the site will be overdeveloped.
- Lack of amenities for residents
- Lack of parking provision for staff and visitors at the front of the property
- Out of character with the street scene

District councillors re-consulted 12 February 2024 and 4 June 2024 with amended plans and additional information – no further comment.

4.3 Environmental Quality Team – no objection

No objection following review of additional information, recommended conditions including a noise management plan. Concerns from local neighbours are noted but the matter is deemed resolved following submission of additional information on the operation of the care home.

4.4 Norfolk County Council Highways Authority – no objection

Initially Highways objected to the original plans due to concern over the parking layout with concerns over turning/manoeuvring into/out of the site. Concerns over the proposed new access onto Drayton High Road.

After reconsulting Highways due to revised plans for access and parking layout, their objection was removed. It was accepted the parking provisions fall slightly under the required parking standards, but it was accepted the site is within a very sustainable location with good transport links. The revised access was considered acceptable.

On balance, it was accepted the site would have suitable transport provision to alleviate concern over parking space provision. Conditions and informative notes are recommended.

4.5 Historic Environment Services – no objection

Thank you for consulting with us about the above planning applications. Based on currently available information the proposal will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

Other Representations

4.6 7 members of the public contributed. 7 letters of objection were received, Points raised are as follows:

In objection:

- Noise and disturbance from potential residents
- Will cause lack of privacy to occupiers of Devon Close overlooking, etc.
- Dangerous access
- No benefit to the local community
- Wildlife will be impacted
- Highways safety
- Removal of mature trees
- Anti-social behaviour
- Impacts mental health of those living nearby
- Too many care homes in the immediate area
- Issues with parking within the immediate area from the care homes, vets and nearby school

Objections were maintained after further information and revisions were provided in February and June 2024. 3 previous objectors confirmed holding objections but provided no new material planning considerations.

5 Assessment

Key considerations

5.1 The key considerations in determination of this application are:

- Principle of the development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highway safety
- Impact on trees and ecology

Principle of the development

- 5.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration.
- 5.3 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals that accord with the development plan should be approved without delay.
- 5.4 With regards to the principle of the development the site lies inside the defined development boundary for Hellesdon. Policy 5 of the GNLP is of relevance to this application. The policy provides advice on accessible and specialist housing. Policy 5 encourages sites for new specialist housing to be situated in areas with good access to local services including on sites allocated for residential use. Applications should not be supported where there are significant adverse impacts that justify a refusal of planning permission. The identification by Norfolk County Council of a strategic need for specialist housing which the proposal can address will be a material consideration.
- 5.5 Policy H5 of the Broadland DPM DPD sets out that residential institutions within settlement limits will be considered as acceptable in principle provided the site is accessible by public transport and is within reasonable proximity of community facilities.
- 5.6 The site is situated within the defined settlement boundary of Hellesdon and it is located within a sustainable location with good access to services. An existing residential care home is adjacent to the site, the proposed use is established as being an acceptable use within the area. There is a shortfall of this form of specialist accommodation across Norfolk and there is the requirement to create new rooms. Drayton High Road has a number of services including shops and medical facilities within close proximity and good transport links, buses run frequently to Norwich centre.
- 5.7 New employment will be created from the change of use to a residential care home. Employment opportunities offered include:
- 8 full time jobs for care staff to help run the care home.
- 5.8 Employment opportunities are supported by the Local Plan unless other material considerations indicate otherwise. The proposal is therefore considered able to benefit the local economy which would weigh in its favour.

- 5.9 The principle of development is considered to be acceptable given the site is situated within a sustainable location with good access to a range of services. The proposed development is considered compliant with Policy 5 of the GNLP and DM Policy HS5 of the BDM DPD.

Impact on the character and appearance of the area

- 5.10 Policy 2 in the GNLP, Policy GC4 in the BDM DPD and Policy 3 of the Hellesdon Neighbourhood Plan require new development to achieve a good standard of design and respect the local distinctiveness of the area.
- 5.11 The proposal seeks the demolition of the existing bungalow on site with the erection of a new building to be used as a care facility with associated landscaping scheme and car parking.
- 5.12 The original building proposed was deemed to be unacceptable with the replacement building being too significant in bulk and massing. Furthermore, the proposed layout of the site was considered not to integrate with the immediate area. Two sets of amended plans have been submitted throughout the application period in attempting to resolve the concerns raised.
- 5.13 The latest scheme seeks the erection of a single storey building with habitable rooms in the roof and a detached outbuilding with 3 self-contained flats. The replacement building will have an increased roof height than existing; however, the replacement building matches the roof height for 331A Drayton High Road adjacent to the property. The reduction in the roof height has helped reduce the bulk for the proposed building and allows for better integration into the street scene. The revised scheme has included a hipped roof which reflects the design character of neighbouring properties.
- 5.14 A building to the rear of the site is proposed for 3 self-contained flats, the building is single storey in nature. The adjacent site to the south has a similar outbuilding with self-contained flats, which has a similar height, scale and mass as the proposed outbuilding for the site. The proposed outbuilding is considered as acceptable.
- 5.15 The proposed site layout is considered acceptable and it matches the adjacent neighbour 331 Drayton High Road. It is acknowledged the site will have a greater amount of development than existing; however, the site plot is considered suitable to accommodate the proposed development and not resulting in overdevelopment.
- 5.16 The revised scheme is now considered to overcome the concerns previously raised. The development is not considered to have detrimental impact upon the character and appearance of the area. The proposal would there be compliant with Policy DM GC4 of the BDM DPD, Policy 3 of the Hellesdon Neighbourhood Plan, Policy 2 of the GNLP and the NPPF.

Impact on residential amenity

- 5.17 Policy GC4 of the BDM DPD seeks to ensure that new development achieve a good level of amenity as well as ensuring that they would not adversely affect the amenity of others.

- 5.18 The proposed shift patterns are as followed:
- 07:00 – 18:00, 10:00 – 21:00
 - 07:00 – 21:00 or 19:00 – 07:00
- 5.19 Concerns have been raised by local residents and the local ward member regarding potential noise impact arising from the development and potential adverse impact on amenity. The adjacent site 331A Drayton Road is a residential care home, the concerns regarding noise are focussed on a concentration of residential care facilities within one area and the potential cumulative impact.
- 5.20 Broadland Council's Environmental Quality team were consulted to assess potential impact arising from the proposed development.
- 5.21 Environmental Quality initially raised a holding concern regarding noise given it is difficult to control human noise via planning conditions. However, the type of use proposed involve staffing who can help to prevent and control behaviour by occupants. Additional information on the care provider and how their homes operate was submitted to help with alleviating concerns. Following a re-consultation, Environmental Quality raised no objection subject to conditions including submission of a noise management plan.
- 5.22 The local planning authority does consider the recommended conditions to meet the test for planning conditions as set out in paragraph 56 of the NPPF. The condition is considered as enforceable, if the agreed noise management plan is not adhered to, the local planning authority can take appropriate action if necessary.
- 5.23 The proposed amenity area for residents is considered as acceptable as a shared space between future residents. There are no concerns over potential overshadowing and overbearing from the proposed development on neighbouring developments.
- 5.24 The concerns by local residents and the local ward member are duly noted regarding potential noise impact arising from the development. However, the proposed use is not considered to cause adverse impact upon amenity and the proposed use is acceptable for the site. On balance, the proposed use is considered compliant with Policy GC4 of the BDM DPD.

Impact on Highway Safety

- 5.25 Policy TS3 of the BDM DPD permits development which would not result in a significant adverse impact on highway safety. Policy TS4 of the BDM DPD permits development with appropriate parking and manoeuvring space.
- 5.26 The site proposes a car parking area to the front of the site and a new access proposed from Drayton High Road, the existing access is from Devon Close. The scheme proposes 7 parking spaces with one disabled space and a cycle storage. A lamppost is proposed for relocation given it impedes the proposed access.
- 5.27 Norfolk County Council initially raised a holding objection originally due to concerns over a lack of turning provision and parking spaces. Following submission of revised plans, where the bin store was relocated to the rear of the site, a revised car park area was submitted for consideration. Following a re-consultation, Norfolk County Council dropped its holding objection and recommended approval subject to conditions and an informative note. It was noted the site did not meet full parking provision standards by 1 space but

the concern was alleviated given its sustainable location. Drayton High Road has a number of frequent bus services that provide opportunity for alternative transport arrangements for staff, visitors and residents.

- 5.28 Concerns were raised by local residents on the potential impact from visitor parking around the immediate area. The concerns are noted Norfolk County Council Highways Authority have raised no objection subject conditions and consider the area to have a variety of sustainable transport options for staff and visitors. Therefore, the application complies with Policies TS3 and TS4 of the BDM DPD and requirements of the NPPF in terms of impacts on the highway and highway safety.

Impact on Trees and Ecology

- 5.29 Policy 3 of the GNLP and DM policy EN1 of the BDM DPD require for protection and enhancement of environmental features within new developments. Section 15 of the NPPF puts in place the framework for assessing development proposals and their potential impact on Habitats Sites.
- 5.30 An arboricultural impact assessment was submitted in support of the application as a number of trees are situated on site, 18 trees are present on site. The proposal seeks the removal of all 18 trees, the trees are proposed for removal due to either being in poor condition, category C and category U trees. The trees conflict with the proposed development which results in difficult integration of the trees into the development. Discussion has occurred with the Councils Tree Officer, who has agreed that the trees quality meant the removal of them were acceptable. It is acknowledged a number of trees are proposed for removal, the low classification and poor condition of the trees justifies the loss of the trees.
- 5.31 The development proposes a landscaping scheme to mitigate the loss of existing trees from the site, no specific details have been submitted. A condition requiring details for submission of a full detailed hard and soft landscaping scheme has been imposed. The AIA recommends replacement trees to mitigate the ones that will be removed from the site, full details on specification can be dealt with via the condition.
- 5.32 Local residents have raised concern over the loss of trees and the potential impact upon wildlife. The trees proposed for removal are in poor condition and not considered as providing good habitats for wildlife. The concerns are duly noted but the development is not deemed to have significant impact upon protected species. A condition requiring submission for a scheme of biodiversity enhancements has been imposed and an informative note on best practice has been imposed.
- 5.33 The development is not considered to cause significant impact upon trees and ecology. It is acknowledged the development would result in the removal of existing trees on site and the loss of habitat. However, the trees proposed for removal are poor quality and do not provide good quality habitats to wildlife. Conditions requiring the submission of a landscaping scheme and biodiversity net gains are imposed to mitigate concerns raised by local residents.

Drainage

- 5.34 Section 14 of the NPPF (2023) and BDM DPD Policy CSU5 seek to minimise the risks of flooding by direct new development away from areas at highest risk of flooding and for new development not to increase flood risk elsewhere.

- 5.35 The site itself is classified as being within flood zone 1 and very low surface water flood risk and is therefore at low risk of flooding from all sources. There is an area of low surface water flood risk along Drayton High Road, a condition for details on interception of surface water is included.
- 5.36 Foul water drainage will be via the existing main sewers, a condition requiring for foul drainage to be via main sewers only has been imposed.
- 5.37 The application complies with Policy CSU5 of the BDM DPD and requirements of the NPPF in terms of drainage.

Nutrient Neutrality

- 5.38 The foul drainage discharge point for this site is located within the catchment of Broads SAC and the River Wensum SAC and Ramsar sites. These Protected sites are currently in an unfavourable condition in relation to nitrate and phosphate pollution.
- 5.39 This application includes overnight accommodation which results in water quality effects which have a significant adverse effect on the integrity of the site either alone or in combination.
- 5.40 Developments that contribute water quality effects at habitats sites may not meet the no adverse effect on the site integrity test without mitigation. Mitigation through Nutrient Neutrality offers a potential solution. Where properly applied, Natural England considers that Nutrient Neutrality is an acceptable means of counterbalancing nutrient impacts from development to demonstrate no adverse effect on the integrity of habitats sites.
- 5.41 The applicant is intending to purchase of credits from Norfolk Environmental Credits (NEC) which is a viable mitigation proposal made up of a portfolio of mitigation schemes. The mitigation offered by NEC if taken up and available for this scheme would be supported by a Shadow Strategic Appropriate Assessment and Technical report which accord with Natural England Principles and which would allow the LPA to conclude in respect of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Alternatively, any other mitigation offered would need to satisfactorily demonstrate technically and via an HRA that it meets the requirements of the LPA as Competent Authority.
- 5.42 The development could proceed when mitigation is demonstrated (subject to the purchase of credits imposition of conditions/obligations to secure the mitigation and Natural England not raising an objection to their consultation). This would result in a neutral impact in the planning balance.
- 5.43 Subject to mitigation being secured, the proposed development would not result in detrimental harm to the integrity of the Broads SAC and the River Wensum SAC. Officers wish to seek authorisation to delegate the matter on nutrient neutrality.

Other Issues

- 5.44 Policy 3 of the GNLP and DM policy EN2 of the BDM DPD and Section 16 of the NPPF require the protection of the Historic Environment. The site is situated within an area of archaeological interest and any new development is required not to impact negatively upon archaeological sites.

- 5.45 Norfolk County Council Historic Environment Services (HES) were consulted to assess potential impact upon an area of archaeological interest. HES raised no objection to the application given the proposed development would not result in significant impact upon the archaeological site of interest. This application accordingly applies with section 72 of the Town & Country (Conservation Areas and Listed Buildings) Act 1990, as well as having regard to Policy EN2 of the Broadland Local Plan, policy 3 of the GNLP and the NPPF.
- 5.46 This application is not liable for Community Infrastructure Levy (CIL). Whilst the proposal does create new floorspace the C2 use class is not chargeable.
- 5.47 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations outlined above are of greater importance.
- 5.48 This application is liable for Green Infrastructure Recreational Avoidance Mitigation Strategy (GIRAMS) as new overnight accommodation is created as part of the proposal.
- 5.49 The planning application was submitted prior to BNG became mandatory. As a result, it is not required to secure BNG of 10% for this application.

Conclusion

- 5.50 Overall, the proposed development is considered as acceptable regarding design, impact on amenity, impact on highways, impact on trees & ecology and other matters. The concerns by local residents and the ward member are duly noted regarding unacceptable design and impact on amenity. However, the issues have been resolved with an amended scheme and the use of planning conditions to control the development.
- 5.51 The development is deemed compliant with DM Policies GC1, GC2, EN1, H5, CSU5, TS3 and TS4 of the BDM DPD, Policies 1, 2, 3, 5 and 6 of the GNLP, Policy 3 of the Hellesdon Neighbourhood Plan and the requirements of the NPPF.

Recommendation Delegate authority to the Assistant Director of Planning to approve subject to conditions, sufficient mitigation to mitigate the Habitats regulations impacts on Protected Sites (Nutrient Neutrality) and an acceptable Habitats Regulations Assessment to satisfy the competent Authority of the mitigation; GIRAMS and anything as may be necessary for Nutrient Neutrality.

1. Time Limit – Full Permission
2. In accordance with approved plans
3. Use Class Order – Specific C2 use
4. New Access over footway
5. Closure of Existing Access
6. Visibility Splays
7. Noise Management Plan to be agreed
8. No Plant without consent
9. Landscaping scheme to be submitted
10. Biodiversity enhancements to be submitted
11. Foul drainage
12. Surface water drainage

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