

# Development Management Committee

## Agenda

### Members of the Development Management Committee:

Cllr V Thomson (Chairman)	Cllr T Holden
Cllr L Neal (Vice Chairman)	Cllr C Hudson
Cllr D Bills	Cllr T Laidlaw
Cllr F Ellis	Cllr G Minshull
Cllr J Halls	

### Date & Time:

Wednesday 29 June 2022  
10.00am

### Place:

Council Chamber South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

### Contact:

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<https://www.youtube.com/channel/UCZciRgwo84-iPyRImsTCIng>

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### Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

## **Public Speaking and Attendance at Meetings**

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Public speaking can take place:

- Through a written representation
- In person at the Council offices

Anyone wishing to send in written representation must do so by emailing: [committee.snc@southnorfolkandbroadland.gov.uk](mailto:committee.snc@southnorfolkandbroadland.gov.uk) by 5pm on **Friday 24 June 2022**.

## **SOUTH NORFOLK COUNCIL – DEVELOPMENT MANAGEMENT COMMITTEE**

### **GENERAL INFORMATION ABOUT DEVELOPMENT MANAGEMENT**

The Development Management process is primarily concerned with issues of land use and has been set up to protect the public and the environment from the unacceptable planning activities of private individuals and development companies.

The Council has a duty to prepare a Local Plan to provide a statutory framework for planning decisions. The Development Plan for South Norfolk currently consists of a suite of documents. The primary document which sets out the overarching planning strategy for the District and the local planning policies is the Joint Core Strategy for Broadland, Norwich and South Norfolk adopted by South Norfolk Council in March 2011, with amendments adopted in 2014. It is the starting point in the determination of planning applications and as it has been endorsed by an independent Planning Inspector, the policies within the plan can be given full weight when determining planning applications. A further material planning consideration is the National Planning Policy Framework (NPPF) which was issued in 2018 and its accompanying Planning Practice guidance (NPPG).

South Norfolk Council adopted its Local Plan in October 2015. This consists of the Site-Specific Allocations and Policies Document, the Wymondham Area Action Plan, the Development Management Policies Document. The Long Stratton Area Action Plan was also adopted in 2016. These documents allocate specific areas of land for development, define settlement boundaries and provide criterion-based policies giving a framework for assessing planning applications. The Cringleford Neighbourhood Development Plan was also made in 2014, Mulbarton Neighbourhood Development Plan made in 2016 and Easton Neighbourhood Plan made in 2017, and full weight can now be given to policies within these plans when determining planning applications in the respective parishes.

The factors to be used in determining applications will relate to the effect on the “public at large” and will not be those that refer to private interests. Personal circumstances of applicants “will rarely” be an influencing factor, and then only when the planning issues are finely balanced.

#### **THEREFORE, we will:**

- **Acknowledge the strength of our policies, and**
- **Be consistent in the application of our policy**

**Decisions which are finely balanced and contradict policy will be recorded in detail to explain and justify the decision and the strength of the material planning reasons for doing so.**

#### **OCCASIONALLY, THERE ARE CONFLICTS WITH THE VIEWS OF THE PARISH OR TOWN COUNCIL. WHY IS THIS?**

We ask local parish and town councils to recognise that their comments are taken into account. Where we disagree with those comments it will be because:

- Districts look to ‘wider’ policies, and national, regional and county planning strategy.
- Other consultation responses may have affected our recommendation.
- There is an honest difference of opinion.

# AGENDA

1. To report apologies for absence and to identify substitute members;
2. To deal with any items of business the Chairman decides should be considered as matters of urgency pursuant to **Section 100B (4) (b) of the Local Government Act, 1972**; [Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.]
3. To receive **Declarations of interest from Members**;  
(Please see guidance form and flow chart attached – page 8)
4. **Minutes of the Meeting of the Development Management Committee held on Wednesday, 1 June 2022**;  
(attached – page 10)
5. **Planning Applications and Other Development Control Matters**;  
(attached – page 13)

To consider the items as listed below:

Item No.	Planning RefNo.	Parish	Site Address	Page No.
1	2021/1659/RVC	WYMONDHAM	Land southeast of 9 Spinks Lane, Spinks Lane, Wymondham	13
2	2021/1660/RVC	WYMONDHAM	Land southeast of 9 Spinks Lane, Spinks Lane, Wymondham	13
3	2021/1661/RVC	WYMONDHAM	Land southeast of 9 Spinks Lane, Spinks Lane, Wymondham	13
4	2021/1662/RVC	WYMONDHAM	Land southeast of 9 Spinks Lane, Spinks Lane, Wymondham	14
5	2021/2495/F	SWAINSTHORPE	Land North and South of Brick Kiln Lane Swainsthorpe Norfolk	30
6	2022/0016/F	LODDON	Land North of Beccles Road Loddon Norfolk	48
7	2022/0509	COLTON	Land east of Barnham Broom Road, Colton, Norfolk	59
8	2021/0740/F	COSTESSEY	Church Barn, The Street, Costessey, Norfolk NR8 5DG	72
9	2021/0741/LB	COSTESSEY	Church Barn, The Street, Costessey, Norfolk NR8 5DG	72
10	2021/1149/O	DISS	Land to the East of 4 Grigg Close Diss Norfolk	81

<b>11</b>	<b>2021/2637</b>	<b>HEMPNALL</b>	2 Freemasons Cottage, Mill Road, Hempnall, NR15 2LP	<b>87</b>
<b>12</b>	<b>2022/0654/F</b>	<b>GREAT MOULTON</b>	South Norfolk Guest House Frith Way Great Moulton NR15 2HE	<b>94</b>

Updates received after publication of this agenda relating to any application to be considered at this meeting will be published on our website:

<https://www.southnorfolkandbroadland.gov.uk/south-norfolk-committee-meetings/south-norfolk-council-development-management-planning-committee>

#### **6. Sites Sub-Committee;**

Please note that the Sub-Committee will only meet if a site visit is agreed by the Committee with the date and membership to be confirmed.

#### **7. Planning Appeals (for information);**

(attached – page 99)

#### **8. Date of next scheduled meeting- Wednesday 6 July 202**

## GUIDELINES FOR DETERMINING THE NEED TO VISIT AN APPLICATION SITE

The following guidelines are to assist Members to assess whether a Site Panel visit is required. Site visits may be appropriate where:

- (i) The particular details of a proposal are complex and/or the intended site layout or relationships between site boundaries/existing buildings are difficult to envisage other than by site assessment;
- (ii) The impacts of new proposals on neighbour amenity e.g. shadowing, loss of light, physical impact of structure, visual amenity, adjacent land uses, wider landscape impacts can only be fully appreciated by site assessment/access to adjacent land uses/property;
- (iii) The material planning considerations raised are finely balanced and Member assessment and judgement can only be concluded by assessing the issues directly on site;
- (iv) It is expedient in the interests of local decision making to demonstrate that all aspects of a proposal have been considered on site.

Members should appreciate that site visits will not be appropriate in those cases where matters of fundamental planning policy are involved and there are no significant other material considerations to take into account. Equally, where an observer might feel that a site visit would be called for under any of the above criteria, members may decide it is unnecessary, e.g. because of their existing familiarity with the site or its environs or because, in their opinion, judgement can be adequately made on the basis of the written, visual and oral material before the Committee.

## 2. PUBLIC SPEAKING: PLANNING APPLICATIONS

Applications will normally be considered in the order in which they appear on the agenda. Each application will be presented in the following way:

- Initial presentation by planning officers followed by representations from:
- The **town or parish council** - up to 5 minutes for member(s) or clerk;
- **Objector(s)** - any number of speakers, up to 5 minutes **in total**;
- The **applicant**, or **agent** or any **supporters** - any number of speakers up to 5 minutes **in total**;
- **Local member**
- Member consideration/decision.

**MICROPHONES:** The Chairman will invite you to speak. An officer will ensure that you are no longer on mute so that the Committee can hear you speak.

**WHAT CAN I SAY AT THE MEETING?** Please try to be brief and to the point. Limit your views to the planning application and relevant planning issues, for example: Planning policy, (conflict with policies in the Local Plan/Structure Plan, government guidance and planning case law), including previous decisions of the Council, design, appearance and layout, possible loss of light or overshadowing, noise disturbance and smell nuisance, impact on residential and visual amenity, highway safety and traffic issues, impact on trees/conservation area/listed buildings/environmental or nature conservation issues.

## PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**Key to letters included within application reference number to identify application type – e.g. 07/96/3000/A – application for consent to display an advert**

<b>A</b> - Advert	<b>G</b> - Proposal by Government Department
<b>AD</b> - Certificate of Alternative Development	<b>H</b> - Householder – Full application relating to residential property
<b>AGF</b> - Agricultural Determination – approval of details	<b>HZ</b> - Hazardous Substance
<b>C</b> - Application to be determined by County Council	<b>LB</b> - Listed Building
<b>CA</b> - Conservation Area	<b>LE</b> - Certificate of Lawful Existing development
<b>CU</b> - Change of Use	<b>LP</b> - Certificate of Lawful Proposed development
<b>D</b> - Reserved Matters (Detail following outline consent)	<b>O</b> - Outline (details reserved for later)
<b>EA</b> - Environmental Impact Assessment – Screening Opinion	<b>RVC</b> - Removal/Variation of Condition
<b>ES</b> - Environmental Impact Assessment – Scoping Opinion	<b>SU</b> - Proposal by Statutory Undertaker
<b>F</b> - Full (details included)	<b>TPO</b> - Tree Preservation Order application

## Key to abbreviations used in Recommendations

**CNDP** - Cringleford Neighbourhood Development Plan

**J.C.S** - Joint Core Strategy

**LSAAP** - Long Stratton Area Action Plan – Pre-Submission

**N.P.P.F** - National Planning Policy Framework

**P.D.** - Permitted Development – buildings and works which do not normally require planning permission. (The effect of the condition is to require planning permission for the buildings and works specified)

**S.N.L.P** - South Norfolk Local Plan 2015

Site Specific Allocations and Policies Document

Development Management Policies Document

**WAAP** - Wymondham Area Action Plan

## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

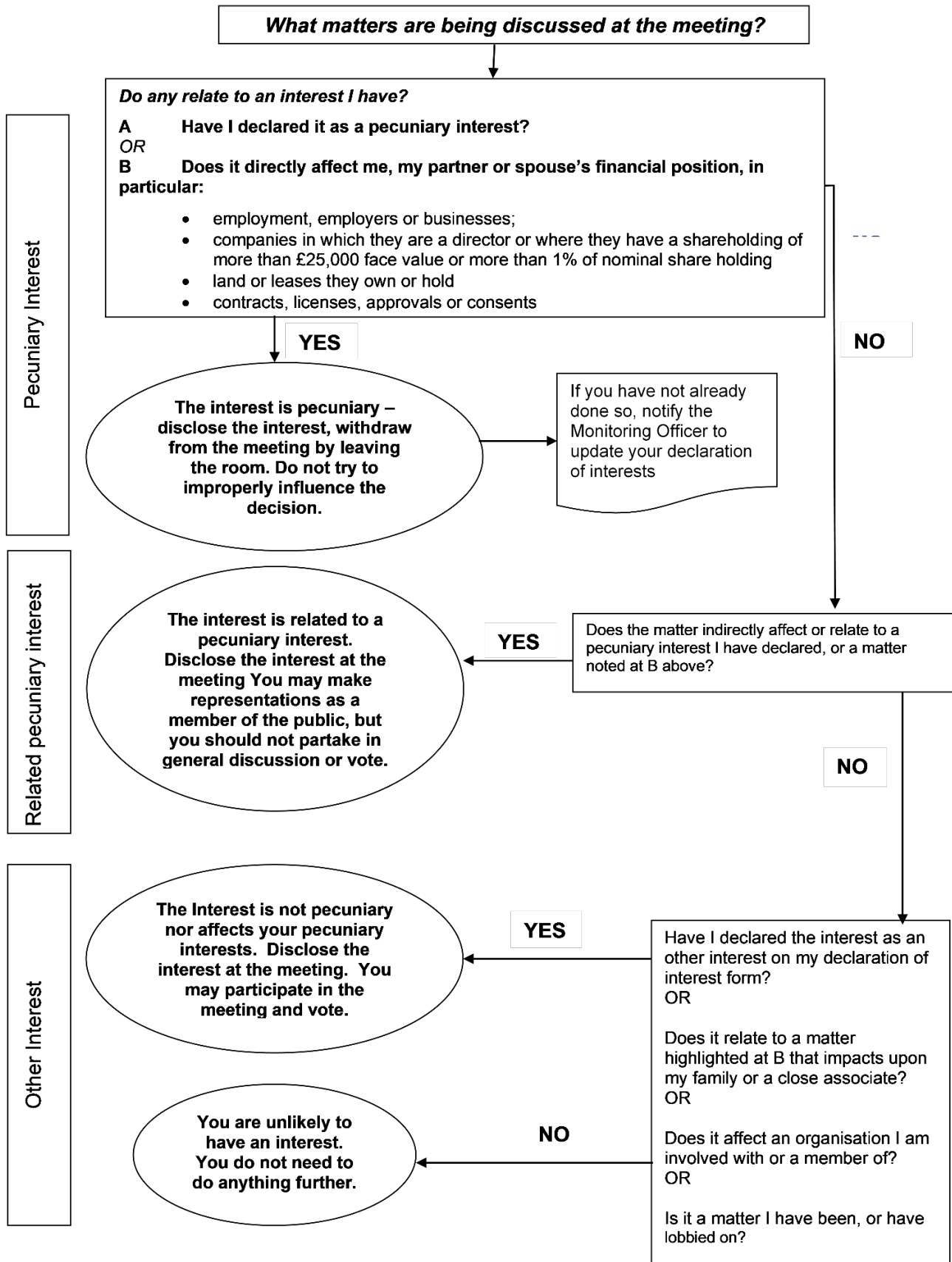
<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> <li>1. affect yours, or your spouse / partner's financial position?</li> <li>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</li> <li>3. Relate to a contract you, or your spouse / partner have with the Council</li> <li>4. Affect land you or your spouse / partner own</li> <li>5. Affect a company that you or your partner own, or have a shareholding</li> </ol> <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.**

**PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE**



## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



## **Agenda Item 4**

# **DEVELOPMENT MANAGEMENT COMMITTEE**

**Minutes of a meeting of the Development Management Committee of South Norfolk District Council, held on 1 June 2022 at 10am.**

**Committee Members Present:** Councillors: L Neal (Chairman for the meeting), D Bills, F Ellis, T Holden, T Laidlaw and G Minshull.

**Apologies:** Councillors: C Hudson, J Halls and V Thomson

**Substitutes:** Councillors: Y Bendle (for V Thomson) and S Blundell (for J Halls)

**Officers in Attendance:** The Development Manager (T Lincoln) and the Area Team Manager (C Raine)

4 members of the public were also in attendance

## **611 DECLARATIONS OF INTEREST**

No declarations of interest were made.

## **612 MINUTES**

The minutes of the meeting of the Development Management Committee held on 4 May 2022 were confirmed as a correct record.

## **613 PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS**

The Committee considered the report (circulated) of the Director of Place, which was presented by the officers. There were no updates to the published report.

The following speakers addressed the meeting with regard to the applications listed below.

<b>Application</b>	<b>Parish</b>	<b>Speakers</b>
<b>2021/2784/F</b>	<b>NEWTON FLOTMAN</b>	C Watson – Objector D Brock – on behalf of the Applicant Cllr F Ellis – Local Member

The Committee made the decisions indicated in Appendix A of the minutes, conditions of approval or reasons for refusal of planning permission as determined by the Committee being in summary form only and subject to the final determination of the Director of Place.

## **614 PLANNING APPEALS**

The Committee noted the planning appeals.

(The meeting concluded at 11:08am)

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Chairman

**PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS****NOTE:**

Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Place's final determination.

**Major Application**

1. **Appl. No** : **2021/2784/F**  
**Parish** : **NEWTON FLOTMAN**  
**Applicant's Name** : Mr Julian Wells  
**Site Address** : Land South West of Alan Avenue Newton Flotman Norfolk  
**Proposal** : Construction of 31 new dwellings (Class C3) with associated landscaping, drainage and highway works.  
**Decision** : Members voted 6-2 to Authorise the Director of Place to approve with conditions subject to satisfactorily addressing the requirements under the Habitats Regulations regarding nutrient neutrality and matters relating to ecology

**Approved with Conditions**

- 1 Time limit
- 2 Approved plans
- 3 External materials
- 4 Foul water to mains
- 5 Surface water drainage details
- 6 Surface water drainage verification
- 7 Water efficiency
- 8 Unexpected contamination
- 9 Construction management plan
- 10 Archaeology
- 11 Boundary treatments
- 12 Ecology
- 13 Landscaping
- 14 10% renewable energy contribution
- 15 Details of roads, footways etc
- 16 Implementation of roads, footways etc
- 17 Binder course
- 18 Construction Traffic Management Plan
- 19 Compliance with Construction Traffic Management Plan
- 20 Off site highway works
- 21 Implementation of off site highway works
- 22 Removal of permitted development rights (no garage conversion)
- 23 Fire hydrant condition

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

**Report of Director of Place**

**Applications referred back to Committee**

**Applications 1, 2, 3 & 4**

2021/1659, 2021/1660, 2021/1661



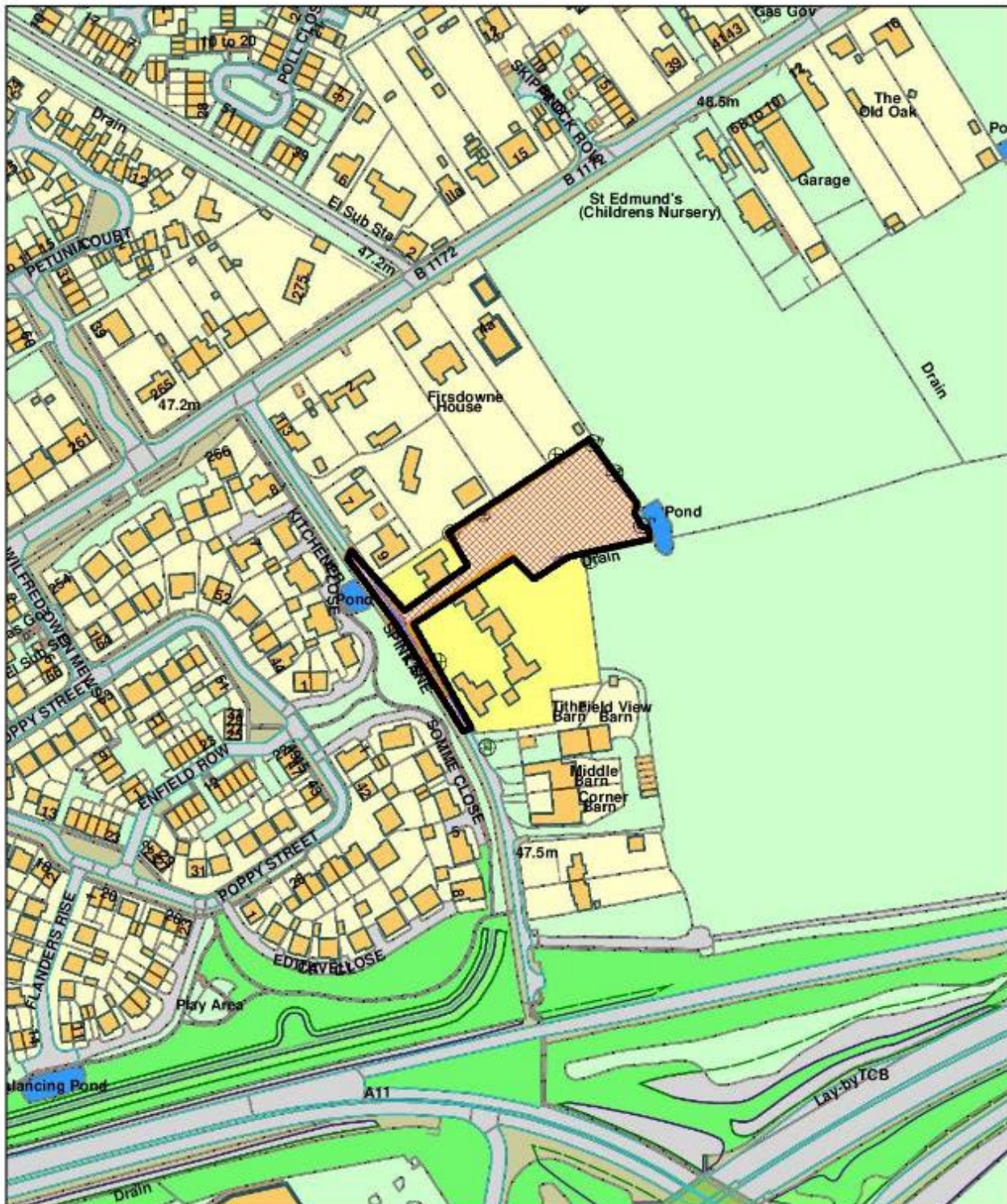
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2021/1662



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- 1 Reason for reporting to Committee
- 1.1 The applications referred to above were deferred by the Development Management Committee at its meeting on 9 March 2022 to allow clarification and further details to be sought on the points of difference on the applicant's and consultees' reports before Members make their final decision. The applications were also withdrawn from the agenda of the 4 May 2022 meeting to allow correspondence from Ashtons Legal Solicitors on behalf of neighbouring properties to be reviewed.
- 1.2 Following the meeting on 9 March and receipt of the correspondence from Ashtons Legal, contact was made with the Lead Local Flood Authority (LLFA). It has reviewed the developer's drainage strategy and the comments made by BLI Consulting Engineers, who were instructed to comment on the developer's submissions by occupants of neighbouring properties to the site. It has also reviewed the correspondence sent by Ashtons Legal. The purpose of this addendum report is to update Members of the LLFA's review.
- 1.3 For background information, the 9 March Committee report and associated Update Sheet are attached as Appendix A to this report.
2. Outcome of the LLFA's review on the points of difference
- 2.1 The key points of difference are:
  - The proposed drainage strategy does not provide sufficient level for level and volume for volume storage relative to the pre-development situation;

- The 450mm diameter pipe alongside the bungalow at Plot 1 should be increased in size to 600mm to ensure that pre-development flows are maintained.

2.2 In undertaking its review, the LLFA noted these points and the concern expressed by the neighbours' consulting engineer that coupled together, they will result in the creation of a flow route across neighbouring properties. The review following the 9 March Development Committee meeting was undertaken by a member of staff at the LLFA not previously connected with this case. The LLFA's review set out the following:-

- Although the extent of the ditch network has decreased relative to the original drainage strategy and the pre-development scenario, volume calculations included within the drainage layout drawing show that the proposed system will provide an additional 29.75m<sup>3</sup> of attenuation over the pre-development scenario. This demonstrates a level of betterment to the local area.
- The surface water drainage strategy proposed by BHA Consulting is in line with local and national guidance and should not increase the risk of on or off-site flooding. This is due to factors such as:

- Surface water runoff leaving the site at pre-development Greenfield runoff rates.
- Although the ditch capacity is reduced from the pre-development scenario, additional surface water attenuation storage is afforded in the form of an attenuation basin. The inclusion of this feature results in more on-site storage potential than the pre-development scenario.
- The inclusion of a 450mm culvert was designed prior to the most recent review of the proposed surface water drainage strategy and therefore was included within the most recent system calculations. The reduction in the sizing of this culvert feature will allow surface water runoff to back fill in the proposed system for which sufficient attenuation volume has been provided. This should have a downstream off-site beneficial impact by slowing the rate that surface water runoff enters the wider offsite watercourse environment helping to alleviate downstream pressures during larger rainfall events.

2.3 The neighbours' consulting engineer had sight of the LLFA's review and commented that:

- The provision of compensation storage within a pond is not acceptable unless it can be demonstrated that the compensation storage has been provided on a level for level and volume for volume basis. This is a standard requirement for the provision of flood plain storage and if this cannot be achieved, then this could increase flood risk to the site and downstream development.
- The reduced size of the outfall culvert will reduce the flow of water along the downstream length of the watercourse but this would only be effective where additional storage volume has been provided onsite to accommodate the backing-up of water (similar to an attenuation feature). This is likely to be a significant volume as the entire upstream catchment of the watercourse would need to be taken into account. Without the provision of additional on-site volume, it is likely that the surface water flows will not remain within the site but will overtop the banks in an uncontrolled manner.
- The compensation storage pond is currently located within the tree root protection zone of several trees. Once the above points have been taken into account, confirmation should also be obtained that it is acceptable to provide the required



volume of compensation storage within this area or demonstrate a suitable alternative location.

- 2.4 The LLFA has advised that the drainage strategy provides more on-site storage potential than the pre-development scenario.
- 2.5 It is responsibility of the developer to address matters of drainage and flood risk arising from the development. While parts of the site are at risk from surface water flooding, more on-site storage potential is being provided than previously and it would be unreasonable to require the developer to cater for storage from upstream and for potential situations upstream that he has no control over. The LLFA considers that the works to the ditches and the provision of the attenuation lagoon will provide acceptable storage within the site and that the drainage strategy is appropriate to the development.
- 2.6 The proximity of the attenuation lagoon to trees on the northern boundary was considered by Members on 9 March. An appropriately worded planning condition can be employed for application 2021/1662 (plot 6) that requires details of the construction method of this lagoon to be submitted for approval prior to works commencing on it. While Members asked questions on this, it was not understood to be the central issue that required clarification and review. Subject to that condition being used, I remain of the view that the position of the drainage lagoon is acceptable.
- 2.7 The LLFA has been instructed to provide its professional advice to this Council and while it is recognised that differences may remain between interested parties, the LLFA's considers that the submitted drainage strategy is in line with national and local guidance and should not increase the risk of on or off site flooding.
- 2.8 Ashtons Legal considers that the drainage strategy is incomplete, is inappropriate and should not be approved. It does not consider the LLFA's review to be a meaningful technical analysis and instead, that Committee's request has effectively been ignored. It has requested that:
- a) An independent review of the drainage strategy is carried out in line with the concerns raised with a particular focus on whether compensation measures on site have supplied appropriate material to evidence level for level and volume for volume storage retention and on the acceptability of the proposed culvert sizes and retention of the unconsented ditch infilling;
  - b) The Tree Officer is consulted with a view to determining whether the siting of the lagoon is feasible and/or acceptable;
  - c) Consideration is given to appropriate legal mechanisms to facilitate the retention, maintenance and management in posterity of the lagoon and all other compensation methods of the site to ensure that such installation remain in situ and operate as identified within any drainage strategy.
- 2.9 On item (a), the resolution of Committee on 9 March was to defer the application to allow clarification and further details to be sought on the points of difference on the applicant's and consultees' reports before Members make their final decision. Officers have acted in accordance with this resolution and liaised with the LLFA, which is independent of South Norfolk Council. The LLFA has reviewed the latest version of the drainage strategy at least twice and has reviewed the correspondence from Ashtons Legal. It has not altered from its view that the drainage strategy is acceptable and observed that Ashtons Legal did not appear to have taken into account all of its post 9 March comments.

- 2.10 On item (b), the applications have been discussed with the Conservation & Tree Officer prior to them being referred to Committee on 9 March and again since then. Paragraph 5.8 of the Committee report recognised that there will be some encroachment from the detention lagoon and new ditch into the root protection areas of two trees that are the subject of a Tree Preservation Order but there is a need to balance out the potential impacts arising from this work against the need to provide an acceptable drainage solution. A suitably worded planning condition that requires details of the construction of the lagoon to be submitted for approval is considered to be reasonable and necessary to make the development acceptable and to ensure compliance with Policy DM4.8 of the SNLP.
- 2.11 On item (c), a planning condition is proposed for Plot 6 (within which the drainage lagoon will be located) that requires the drainage strategy to implement in accordance with the approved details and for the drainage system to be maintained in accordance with the Surface Water Drainage Maintenance and Management Plan that was submitted during the course of the application.
- 2.12 Having regard to the LLFA's reviews and its previous advice, the proposed drainage strategy is deemed to be acceptable and a suitable alternative to that which was previously approved. The applications therefore comply with Policy 1 of the Joint Core Strategy and Policy DM4.2 of the South Norfolk Local Plan Development Management Policies Document.
- 3 Other matters
- 3.1 Members will be aware of the recent Natural England advice to Councils throughout Norfolk of the potential impacts of additional nutrient loads on Habitats Sites. Five out of the six dwellings are occupied and construction has started on the sixth. The Council is seeking legal advice on whether applications of this type are affected by Natural England's advice and this is reflected in the recommendations.
- 3.2 In respect of the Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) and contributions that developers are now required to make to this from 1 April 2022, as five out of the six dwellings are occupied and construction has commenced on the sixth, I consider that it would be unreasonable to require these contributions.
- 4 Conclusion
- 4.1 It is evident that differences remain between interested parties on the drainage strategy. However, following the LLFA's reviews of the drainage strategy and more recent correspondence and its advice, I remain of the view that the drainage strategy is considered to be an acceptable alternative to the previously approved strategy. The applications are therefore recommended for approval subject to clarification being provided on the issue of nutrient neutrality and the conditions set out below.

Recommendation 2021/1659 : To the authorise the Assistant Director (Planning) to approve the application following receipt of legal advice regarding nutrient neutrality and subject to the following conditions:

- 1 Implementation of SWD strategy
- 2 Surface water drainage - verification

Recommendation 2021/1660: To the authorise the Assistant Director (Planning) to approve the application following receipt of legal advice regarding nutrient neutrality and subject to the following condition:

- 1 Surface water drainage - verification

Recommendation 2021/1661: To the authorise the Assistant Director (Planning) to approve the application following receipt of legal advice regarding nutrient neutrality and subject to the following condition:

- 1 Surface water drainage - verification

Recommendation 2021/1662: To the authorise the Assistant Director (Planning) to approve the application following receipt of legal advice regarding nutrient neutrality and subject to the following conditions:

- 1 In accordance with submitted drawings
- 2 Slab levels
- 3 Implementation of SWD strategy
- 4 Surface water drainage - verification
- 5 External materials
- 6 Boundary treatments
- 7 Details of construction of lagoon to be submitted
- 8 Tree protection
- 9 Provision of parking area
- 10 No trees or hedges to be removed
- 11 Water efficiency

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Development Management Committee

9 March 2022

2. **Application No :** 2021/1659/RVC  
**Parish :** WYMONDHAM
- Applicant's Name: Mr G Laws  
 Site Address: Land southeast of 9 Spinks Lane, Spinks Lane, Wymondham  
 Proposal: Variation of condition 2 of 2018/0583 - revised drainage report and management plan
3. **Application No :** 2021/1660/RVC  
**Parish :** WYMONDHAM
- Applicant's Name: Mr G Laws  
 Site Address: Land southeast of 9 Spinks Lane, Spinks Lane, Wymondham  
 Proposal: Variation of condition 4 of 2020/0275 - revised drainage report and management plan
4. **Application No :** 2021/1661/RVC  
**Parish :** WYMONDHAM
- Applicant's Name: Mr G Laws  
 Site Address: Land southeast of 9 Spinks Lane, Spinks Lane, Wymondham  
 Proposal: Variation of condition 3 of 2020/0179 - revised drainage report and management plan
5. **Application No :** 2021/1662/RVC  
**Parish :** WYMONDHAM
- Applicant's Name: Mr G Laws  
 Site Address: Land southeast of 9 Spinks Lane, Spinks Lane, Wymondham  
 Proposal: Variation of condition 6 of 2019/2534 - revised drainage report and management plan (Plot 6)

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 :

Approval with Conditions

1. Proposal and site context
- 1.1 These applications seek to vary surface water drainage conditions that were applied to various planning permissions that have been granted for a development of 6 dwellings on land to the east of Spinks Lane in Wymondham.
- 1.2 As referred to above, the development comprises six dwellings, five of which have been constructed and are occupied. The site is on the eastern side of Spinks Lane with the relatively recently completed Charles Church development to the west, dwellings to the north on Spinks Lane and Norwich Common and the A11 to the south beyond other dwellings on Spinks Lane.

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- 1.3 These applications have come about following flooding that took place within the area and elsewhere throughout the County in December 2020. The County Council's investigation into the flooding that took place in this case concluded that there were a number of factors that contributed to the flooding. During contact with the developer in early 2021, it became apparent that the development was not taking place in accordance with the previously approved drainage strategy. Instead, a previous iteration had been implemented. Since then, discussions and meetings have been held with the developer, his engineer and the Lead Local Flood Authority (LLFA) resulting in the latest applications being submitted for an amended drainage strategy.
- 1.4 Since December 2020, the developer has obtained land drainage consents from the LLFA for various culverting and other works to ditches that pass through the site. These ditches include those that run alongside the front boundary and parts of the side boundaries. Filled in but piped ditches also pass through the rear of and behind plots 1 to 5. The culverting works within the ditch that runs alongside the front boundary is complete, the remainder of the works around the site not and are subject to these applications being determined so that if approved, they may sit alongside the land drainage consents.
- 1.5 Land drainage consent has been refused for the filling in of a ditch and the installation of a 150mm diameter perforated pipe at the rear of plot 2 and in the back gardens of plots 3 and 4. The LLFA has advised that it is unable to approve retrospective applications for land drainage consent but it does not propose to take enforcement action on this at this time on the grounds that there is no evidence that flood risk will increase as a result of the pipe being installed, that the perforated pipe provides drainage rather than storage and that adequate storage for surface water has been catered for elsewhere within the site.
- 1.6 By way of background, the ditches (existing and those that are currently been filled in) on the site are part of a wider network. Ditches flow into the site from the farmland to the east, pass through the site to the southeast corner of 9 Spinks Lane then through a mixture of culverts and open ditches, travel north to Norwich Common through the back gardens of other properties along Spinks Lane, passes under Norwich Common via a culvert, then turns east then north again along Downham Grove.

## 2. Relevant planning history

2.1	2015/1836	Erection of 5 new dwellings and garages with highway improvements.	Approved
2.2	2015/2655	Erection of new dwelling and garage	Refused Allowed on appeal
2.3	2018/0583	Reserved Matters for design, scale, appearance, layout and landscaping following Outline application 2015/1836 - Erection of 5 new dwellings and garages with highway improvements	Approved
2.4	2019/1516	Reserved matters application for access, appearance, landscaping, layout and scale following Outline permission 2015/2655 for erection of dwelling and garage.	Approved
2.5	2019/2534	Erection of dwelling and garage	Approved
2.6	2019/2535	Additional residential garden land to approved housing plots 2, 3 and 4.	Approved



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2.7	2020/0179	Revised house type	Approved
2.8	2020/0275	Amended house types at plots 2 & 3	Approved
2.9	2020/0470	T3 - Oak, crown reduction to reduce height to approx 15 to 20 metres. T5 - Ash, remove as signs of dieback and replace with Acer Saccharinum. T4 - Oak, crown raise to 4 metres and crown thin by 20%. T8 - Ash, crown reduction to reduce height to approx 10 to 15 metres. T7 - Oak, remove dead wood. T9 - Oak, crown reduction to reduce height to approx 4 to 5 metres.	Approved

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02 : Achieving sustainable development  
 NPPF 04 : Decision-making  
 NPPF 14 : Meeting the challenge of climate change, flooding and coastal change

- 3.2 Joint Core Strategy (JCS)  
 Policy 1 : Addressing climate change and protecting environmental assets

- 3.3 South Norfolk Local Plan Development Management Policies  
 DM4.2: Sustainable drainage and water management  
 DM4.8: Protection of trees and hedgerows

- 3.4 Wymondham Area Action Plan  
 No relevant policies

4. Consultations

- 4.1 Wymondham Town Council

Comments on application in original form:

Application should be approved subject to approval by SNC's flooding/drainage officer.

Comments following submission of amended drainage strategy:

No views or comments on this application.

- 4.2 District Councillor  
 Cllr T Holden:

Following the flooding in late December 2020, I have serious concerns about how this development will impact the land drainage in Spinks Lane, and the steps currently in place to mitigate any issues caused. So with this in mind and also in the interest of transparency, I would like these concerns to be taken before the Development Management committee at the earliest available opportunity, for their consideration.

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#### 4.3 Other representations

Comment on application in original form:

Eight objections received raising the following summarised items:-

- The revised drainage report and management plan are not fit for purpose. Having lived in Spinks Lane for 25 years, we have never known any flooding to occur that could be classed as extreme or cause damage or ingress to property prior to 23 December 2020. Prior to development, this parcel of land acted as a sponge.
- We believe that the new development and lack of adequate drainage systems has caused flooding and will continue to cause flooding to the properties to the north unless the correct action is taken.
- The drainage strategy shows a ditch network that is no longer in existence having been infilled by the developer. There are no calculations included in either the original or this latest drainage strategy regarding the capacity of the land prior to development and nothing relating to proposed capacity to reduce the risk of future flooding.
- Request that any culverted works on this development should be in line with LLFA guidelines.
- The restricted depth of the on site balancing storage pond relates primarily to the ground coverage of the new properties themselves and not additional storage capacity in compensation for infilling low lying land prior to works on site. Request that any drainage strategy ensures that the capacity of the site is returned to that proper to the development commencing. This means the reconstruction of the original ditches behind plots 2, 3 and 4 and utilising 600mm pipes to culvert the sections around plot 1 and across the access to plot 6.
- The culvert that has been installed from the southeast corner of 9 Spinks Lane to the centre of the site has been piped with pipes that have too small a diameter. The pipe that flows to the southeast corner of 9 Spinks Lane has a 600mm diameter but the newly laid pipework on the site is smaller than the pipe that flows behind numbers 7 and 9 Spinks Lane and that has been in place for at least thirty years without any flooding problems.
- Unconsented works have been carried out on site and yet nothing has been done by SNC.
- Drainage from site would appear to be controlled by a single chamber. The BHA report identifies who is responsible for maintaining several important points of the drainage infrastructure. Has anyone advised the new residents? Will the system be OK in 5 years time?
- Silt has been allowed to flow from the site into the surrounding ditch network along with other debris from the site. This has not been controlled and has caused problems in the area.
- We would also add that due to the delays in doing any significant works to improve the drainage situation since the flood in December 2020, the developer is leaving all the surrounding properties at risk of a reoccurrence and that the Council in not placing any enforcement on the developer to complete the drainage is therefore complicit in this and is leaving itself liable to claims should a similar or worse situation occur.
- The culvert that runs under Norwich Common must be maintained in order to allow for free flow. This has not been maintained in the past with any degree of regularity.

A Technical Note was also undertaken by BLI Consulting Engineers having commissioned by a neighbour to the application site (summary comments provided below):

The following amendments have been made when compared to the original strategy:-

- The installation of the 375mm diameter culvert has been changed to a 450mm diameter culvert.
- From a visual review of the drawings, it would appear that the volume of attenuation provided within the onsite ditch network has been reduced beyond that of the original strategy and the pre-development condition of the site.
- No calculations have been submitted to support the amendments/strategy.



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Based on the above observation the above mitigation proposal is likely to increase downstream flood risk by:

Installing a 450mm diameter culvert which will reduce flow along the downstream ditch network beyond that of the existing 600mm diameter culvert.

With less on-site storage provided, the backing up of water created by a reduced culvert size will be a flood route across the adjacent properties.

Some possible options, to ensure that the proposed development does not increase flood risk to the existing downstream development (subject to further design) could include:

The installation of a 600mm culvert diameter laid at the same gradient as the existing 600mm diameter culvert to ensure the pre-development flow are maintained.

Undertake calculations to ensure the on-site ditch network provides the same volume of storage on a like for like, level for level basis.

Alternatively, undertake catchment wide calculations to determine if the onsite storage provision is sufficient to accommodate the reduction in flow created by the installation of the reduced culvert diameter.

#### Discussion and Conclusion

It would appear that the onsite amendments to the on-site ditch network, including diversion and culverting would increase flood risk downstream.

Some backfilling of the onsite ditch network which has not been included as part the Drainage Strategy Report may have been undertaken without consent. If this is the case, then this is likely to further increase the risk of downstream flooding.

#### Comments following the submission of additional information:

Four objections received raising the following summarised items:-

- How is the pipe within Plot 1 to be replaced if the developer no longer owns the plot?
- Concerned at the prospect of the developer leaving the site without completing the necessary work.
- Filled-in ditches should be reinstated.
- Not sure how topographical measurements can be accurate if base levels of the original ditch could not be measured due to the presence of dense vegetation.
- Concerned that the detention basin is not large enough. There is also a problem with its depth when considering the high water table in the area and its proximity to nearby trees.
- Fail to see how original ditch calculations are accurate if they were made after the ditches were filled in.
- All the time these works are left uncompleted we are at risk of further flooding which as previously notified we are holding both the council and the developer "on notice" for any further damage to our property.
- There would still appear to be no detailed plans as to how the replacement volume for a previous very large ditch in the middle of the original site will function and nothing to identify the proposed volume of new lagoons compared with what was there previously.
- The initial plans identified a ditch behind plots 3 and 4 which would absorb some of the field run-off rainwater. Unfortunately the ditch was filled in.
- The amendments do not go far enough in providing sufficient capacity for storm water storage.
- How can BHA justify a betterment in terms of flood risk when they are unable to provide any capacity figures relating the site prior to the commencement of works?
- Prior to development this piece of land was the conduit for water run-off from 30 hectares of agricultural land to the northeast of Spinks Lane. The works on this development have acted as a plug, restricting flow and forcing the storm water around the site, where it seeks the lowest point, currently running through gardens and homes with horrendous consequences to our family and our neighbours.



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- The new statement from BHA indicates that the ditch behind plots 3 and 4 was culverted as part of the works, though no pipe dimensions are shown. We do not believe this to be the case and strongly recommend a site visit by the LLFA is undertaken to ascertain that this whole pipe run exists. We would also like you to note that this infilled ditch area is at the upper end of the ditch network, therefore a culverted pipe, set within what would be the winter water table level, is of no consequence in providing storm water capacity, whereas an open 2 stage ditch will have immediate impact. This ditch should be reinstated.
- SNC added a condition to this planning application stating that, no property was to be occupied until the DSP was fully implemented. This condition was very clearly made, and obviously ignored by the developer. These properties have been sold with unconsented works, which resulted in inflicting untold stress, anxiety and property damage to existing residents and homes. It also means that until this matter is resolved the newly built properties with unconsented works are likely to be in breach of their mortgage and home insurance cover.
- As per the recommendations made by BLI Consulting we urge the LLFA and SNC to request that a 600mm diameter pipe is put in place rather than the previously recommended 450mm pipe as a means to mitigate the un-measured loss of storm water capacity.

Further comments from BLI Consulting Engineers:

It is noted that the client no longer owns the land behind Plots 3 and 4, however this does not provide suitable reason to increase flood risk downstream. The installation of this culvert/slotted pipe has not been formally approved by the LLFA and goes against culvert policy/guidance which is normally only permitted for access purposes. In addition to the above, the size and gradient of the culvert/slotted pipe has not been confirmed. Therefore, the culvert/slotted pipe could be prone to blockage and disrupt the natural flow of water if it has not been constructed to a suitable size and specification.

The infilling of the above ditch will occupy on-site storage even though it is located at the upstream extent of the site. This is on the basis that the bed level of the infilled section of ditch was at circa 46.10m AOD and the lowest top of bank level at the ditch/site outfall was set at circa 47.10m AOD. Therefore providing at least 1.0m depth of storage within this section of ditch network prior to the overtopping of the lowest ditch bank level. In principle, the mitigation put forward to compensate for the loss of onsite storage is sufficient, however, it is recommended that the following points are considered if the strategy is permitted by the LLFA, and the infilling of the ditch remains in place:

The compensation storage should be provided on a level for level and volume for volume basis as the possible effects of the natural ground water table have not been considered as part of the current proposal and detailed volume calculations have not been provided. If the groundwater table rises, then the mitigation volume provided at low level will become occupied by groundwater which may not have been the case for the higher storage provision within the infilled ditch network.

An additional volume of storage (betterment) should be discussed and agreed with the LLFA. This should account for the reduction in the outfall culvert adjacent to Plot 1 from 600mm diameter to 450mm diameter. The reduced culvert size will restrict the flow leaving the site and additional on-site storage will be required to ensure adjacent flood risk is not increased (similar to a surface water attenuation system). Alternatively, the 450mm diameter culvert which is not believed to be constructed to date, could be upgraded to a 600mm diameter culvert, laid at the same gradient as the existing 600mm diameter culvert to ensure the pre-development flows are maintained.



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## 5 Assessment

5.1 The key consideration for this application is whether the latest surface water drainage strategy is acceptable.

5.2 Two drainage strategies have been approved at this site since planning permission was first granted but when having regard to how the site has evolved and the incorporation of plot 6 into drainage arrangements, for clarity, I will only refer to the drainage strategy that includes the site as a whole. That strategy is referred to in planning permission refs 2019/2534, 2020/0179 and 2020/0275. It showed that the surface water would discharge into the ditch network that ultimately exits the site towards its northwest corner via the ditch that passes through 9 Spinks Lane and beyond but in addition to that:-

The installation of a culvert underneath the access into the site from Spinks Lane;  
Remodelling of the existing ditches to the rear of plots 3 and 4 and to the side/south of plot 6;  
A new ditch being provided at front of plot 6 (behind plot 2) with that ditch being culverted underneath the access serving plot 6. That new ditch would then turn west on the northern side of the access before being culverted with a 375mm pipe through plot 1 to the point at which it meets the 600mm wide culvert that passes through the garden of 9 Spinks Lane to the north;  
Total open ditch length will reduce from 53.3m to 43.3m. However, filter storage and tanked permeable pavement (see below) was to provide the required level of attenuation storage;  
A hydrobrake adjacent to the culverted access to plot 6 that restricts flows to 0.7 litres per second (natural greenfield run off rate);  
Rainwater from plots the dwellings at 1, 5 and 6 and fronts of the dwellings at plots 2, 3 and 4 will discharge to permeable paving which will be lined (tanked) to act as an attenuation structure;  
Rainwater at the rear of the dwellings at plots 2, 3 and 4 to discharge to filter trenches.

5.3 The drainage strategy that is currently under consideration shows:-

The installation of two 375mm pipes underneath the access into the site from Spinks Lane. This benefits from land drainage consent.  
Extending the culvert along the front ditch adjacent to the dwelling at plot 5;  
Provision of a ditch either side of the access to plot 6, under which will pass two 375mm pipes;  
The provision of a detention basin in plot 6 to provide flood mitigation following the filling-in of the ditch in the back gardens of plots 3 and 4. This will be connected to the ditch on the northern side of the access. To the rear of plot 1, the ditch will be culverted with a 450mm pipe that will run through plot 1 to the point at which it meets the 600mm culverted ditch that passes through the back garden of 9 Spinks Lane to the north;  
Connection of the detention basin to the ditch to the north via a private stone filled filter trench;  
Installation of a hydrobrake underneath the proposed access to plot 6 that restricts flows to 0.7 litres per second (natural greenfield run off rate);  
Rainwater from plots the dwellings at 1, 5 and 6 and fronts of the dwellings at plots 2, 3 and 4 will discharge to permeable paving which will be lined (tanked) to act as an attenuation structure;  
Rainwater at the rear of the dwellings at plots 2, 3 and 4 to discharge to filter trenches;  
When taking account of ditch volumes lost and gained and the volume of the detention basin, a betterment of 29.75m<sup>3</sup> can be achieved.

5.4 Given the history of the site, the County Council's investigation into the flooding that took place in December 2020 and the LLFA's involvement in applications for land drainage consent, advice has been sought from the LLFA on the drainage strategy. Following the submission of the application, it requested the submission of further information for consideration. This was duly provided by the developer and his engineer and following this, the LLFA did not require the submission of any further information to address any outstanding issues but it did require the filled in ditch behind plot 2 and in the gardens of plots 3 and 4 to be re-opened. However, following a meeting with the developer and his engineer at the beginning of January, while refusing the application for land drainage consent that had been submitted for this work as it is unable to approve retrospective applications, the LLFA does not plan to take enforcement action



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at this time as it considers that adequate storage is being made available elsewhere around the site. Following this and the LLFA's previous advice, the drainage strategy is deemed to be acceptable and is a suitable alternative to the previously approved version. In this regard, the applications comply with Policy 1 of the JCS and Policy DM4.2 of the SNLP.

- 5.5 Neighbouring residents have set out they would like to see the installation of a 600mm pipe instead of a 450mm pipe to connect to the existing 600mm culvert that passes through 9 Spinks Lane. This has been raised with the LLFA but it has not recommended or required the installation of such a pipe. At a meeting with occupants of two properties that I attended during the summer, the LLFA recognised that the desire from the residents for a pipe of such a size but considered that a 450mm pipe would contribute towards acting as a "handbrake" on flows as they continue through the network to the north rather than flows accumulating at a single pinch point further up the network.
- 5.6 I am mindful of the concerns that have been raised by nearby residents, some of whom have sought independent advice from an engineer on the drainage strategy. There are areas of professional disagreement between the developer's engineer and the neighbours' engineer. For my part, having sought the LLFA's advice on these applications and drawing its attention to comments received throughout the application, when noting its ultimate position, similar to the above, I am satisfied the drainage strategy is a suitable alternative to that which was previously approved.
- 5.7 Plots 1 to 5 are all occupied but the work that is necessary to implement the drainage strategy falls within those area under the control of the developer or within plot 1. The developer has advised that he is contractually able to install the replacement pipework at plot 1 but failing that, responsibility will fall upon the owner of plot 1. It is understood that developer wishes to complete the site by the end of the year but in view of the whole site being substantially occupied and the garage at plot 6 being partly constructed, it is not unreasonable to impose a condition that requires the drainage strategy to be completed within six months of the date of this decision. As is now practice at the Council, it is also reasonable and necessary to impose a condition that requires the submission of a verification report by the developer to confirm that the work has taken place in accordance with the approved details. Other conditions have been reviewed and will be updated and carried forward where necessary.

#### Other matters

- 5.8 Comment has been made about encroachment of the detention lagoon into the root protection area of surrounding trees. That comment is correct - the lagoon and new ditch from the access serving plot 6 to the rear of plot 1 will encroach into root protection areas of an Ash and an Oak tree, both of which are the subject of a Tree Preservation Order that includes other trees around the site. It is evident that there is a need to balance out the potential impacts arising from this work against the need to provide an achievable drainage solution. The Oak is the larger tree and the banks of the lagoon will grade at a shallow angle for 2.5m to the centre, where the depth will be 75cm. The new ditch will skirt the southern edge of the root protection area. Taking account of the areas and extent of works and with a condition that requires details of the construction of the lagoon to be submitted for approval, I consider that the impact on these trees will not be significantly detrimental enough to warrant refusal of the applications and that they comply with Policy DM4.8 of the SNLP.
- 5.9 The applications are not liable for the Community Infrastructure Levy as no new floor space is being created.

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## Conclusion

5.10 In summary, the drainage strategy is considered to be an acceptable alternative to the previously approved strategy and the applications are therefore recommended for approval.

Recommendation : Approval with Conditions  
2021/1659

- 1 Implementation of SWD strategy
- 2 Surface water drainage - verification

Recommendation : Approval with Conditions  
2021/1660

- 1 Implementation of SWD strategy
- 2 Surface water drainage - verification

Recommendation : Approval with Conditions  
2021/1661

- 1 Implementation of SWD strategy
- 2 Surface water drainage - verification

Recommendation : Approval with Conditions  
2021/1662

- 1 In accordance with submitted drawings
- 2 Slab levels
- 3 Implementation of SWD strategy
- 4 Surface water drainage - verification
- 5 External materials
- 6 Boundary treatments
- 7 Details of construction of detention lagoon to be submitted for approval
- 8 Tree protection
- 9 Provision of parking area
- 10 No trees or hedges to be removed
- 11 Water efficiency

Contact Officer Glen Beaumont  
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**Updates for DEVELOPMENT MANAGEMENT COMMITTEE**  
**– 9 March 2022**

Item	Updates	Page No
Item 1 2020/1925	No Updates	16
Items 2, 3 4 and 5 2021/1659, 2201/1660, 2021/1661 and 2021/1662	Items 2 and 3: For applications 2021/1660 and 2021/1661, condition 1 is proposed to be omitted. No works is required in those plots to implement the drainage strategy and so it is sufficient to require the submission of a drainage verification report instead.	52
Item 6 2020/1754	<p>Further comments from Cllr Chris Brown:</p> <ul style="list-style-type: none"> <li>• Since my request in February 2021 that this application should be determined by committee, I note that further assessments have been undertaken and the further comments from statutory consultees. In particular, I have considered the noise assessment, the ecological assessment and the comments regarding highways impact</li> <li>• Given that there are no longer objections from Highways and the Environmental Protection team and the comments that the application will support a local business, I do not have any objections to this application being granted permission along with the extensive list of conditions proposed. These conditions appear to respond to many of the concerns raised in an appropriate manner</li> </ul> <p>Correspondence has been made by a local resident to both the Environmental Protection team and the Highway Authority questioning the reasons why they have removed their objections to the proposal</p> <p>Alburgh Parish Council submitted further comments noting that they continue to support the application</p>	63
Item 7 2021/0743	<p>Amend recommendation to:</p> <p>Authorise the Director of Place to approve subject to a Section 106 agreement relating to extra care provision</p> <p>Three representations objecting to latest amended plans</p> <ul style="list-style-type: none"> <li>• No details have been shown as to how the problems of the sewage disposal and surface water disposal will be resolved</li> <li>• NCC Highways requested that a proper sized service and emergency vehicles can turn within the site. The turning space provided does not allow for the turning of fire engines or refuse vehicles which will have to reserve out as they do currently</li> </ul>	72



## Application 5

[illegible]

**5. Application No : 2021/2495/F**  
**Parish : SWAINSTHORPE**

Applicant's Name: Mr Darren Cuming  
Site Address Land North and South of Brick Kiln Lane Swainsthorpe Norfolk  
Proposal Installation of a solar farm comprising: ground mounted solar panels, access tracks; inverter/transformers, substation; storage, spare parts and welfare cabins, underground cables and conduits, perimeter fence; CCTV equipment, temporary new site entrance and access track, temporary construction compounds, and associated infrastructure and planting scheme. Application is accompanied by an environmental statement.

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 Director of Place to approve the application with conditions, subject to clarification regarding ecology.

**1 Proposal and site context**

- 1.1 The application proposes the installation of a solar farm on land within the parishes of Swainsthorpe, Mulbarton and Newton Flotman. The site is located to the west of the A140 and would have a total capacity for 49.9 MW. The proposal is seeking a temporary permission to allow the site to operate for 35 years.
- 1.2 The application site extends over 81 hectares and is currently in agricultural use. The site is made up of a number of individual fields. The eastern boundary of the site is adjacent to the railway line, whilst the site is divided on the east-west access by Brick Kiln Lane. To the south of the site, a public right of way also crosses the site. The existing Brick Kiln Lane Solar Array is adjacent to the south-west boundary of the site. This was approved in 2015 and generates 5MW.
- 1.3 Access to the site is proposed from Church Road in Swainsthorpe. The proposal is to create a new haul access which will serve the development during the construction period, with construction anticipated to take 6 months.
- 1.4 In addition to the solar array, the application also includes inverter/transformer units, site cabinets for security and control systems etc, substation cabinet and underground grid connection cabling, CCTV, security fencing, cables and conduits and temporary construction compounds. This application does not include the connection to the substation. It is expected that this will be via underground cabling, however it will need to be subject to an additional planning application.
- 1.5 The application is accompanied by an Environmental Statement under the Environmental Impact Assessment Regulations.

## 2. Relevant planning history

- |     |           |   |              |
|-----|-----------|---|--------------|
| 2.1 | 2020/2110 | Screening Opinion for a proposed solar farm   | EIA Required |
| 2.2 | 2021/0558 | Environmental Impact Assessment - Scoping Opinion for an array of ground-mounted solar panels and ancillary infrastructure including centralised inverters, transformer units, electrical infrastructure, switch gear, substation and temporary construction compounds. | EIA Required |

## 3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02 : Achieving sustainable development  
 NPPF 04 : Decision-making  
 NPPF 06 : 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  
 NPPF 17 : Facilitating the sustainable use of minerals
- 3.2 Joint Core Strategy (JCS)  
 Policy 1 : Addressing climate change and protecting environmental assets  
 Policy 2 : Promoting good design  
 Policy 3: Energy and water  
 Policy 5 : The Economy  
 Policy 6 : Access and Transportation  
 Policy 17 : Small rural communities and the countryside
- 3.3 South Norfolk Local Plan Development Management Policies  
 DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
 DM1.3 : The sustainable location of new development  
 DM1.4 : Environmental Quality and local distinctiveness  
 DM2.1 : Employment and business development  
 DM3.11 : Road safety and the free flow of traffic  
 DM3.12 : Provision of vehicle parking  
 DM3.13 : Amenity, noise, quality of life  
 DM4.1 : Renewable Energy  
 DM4.4 : Natural Environmental assets - designated and locally important open space  
 DM4.5 : Landscape Character Areas and River Valleys  
 DM4.8 : Protection of Trees and Hedgerows  
 DM4.9 : Incorporating landscape into design  
 DM4.10 : Heritage Assets
- 3.4 Mulbarton Neighbourhood Plan  
 No relevant policies



### 3.5 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

#### Newton Flotman Parish Council

The parish council would not expect the approval of this application to permanently change the purpose of the land for the future. If no longer required as a solar farm, the parish council would expect the land to return to agricultural use.

#### Swainsthorpe Parish Council

The PC is primarily concerns with the construction phase of this proposal. Given the lack of detail about the construction phase available on-line, we wrote to EDF for information and have been pointed to documents which they clearly believed were available but which we cannot access - namely Transport and Access and the Draft Construction Traffic Management Plan

#### Further representations

Whilst recognising the need for green energy, Swainsthorpe Parish Council has serious concerns about this application for the following reasons:

- The size – the site occupies 200 acres of currently productive farmland. This solar far is built would become the 4<sup>th</sup> largest out of the 469 built in the UK date. It would be outrageous to construct this from Church Road or Brick Kiln Lane.
- The construction phase – there is concern over the size of the HGVs. The access from the A140 us via a narrow ghost island barely wide enough for a car. Church Road has several blind bends and areas through the village with no footpaths. The railway cross is another danger point. The scoping report set out that the access via Mulbarton had been dismissed as it goes through residential roads, however this is the same for Swainsthorpe. Concern about noise, dust and excess fumes from the HGVs.

#### Mulbarton Parish Council

Comments on the application setting out:

- This is one of a number of solar farms proposed or existing creating a cumulative impact of industrialisation of a rural area.
- Questions how the cumulative impact is assessed in conjunction with the other solar farm applications, battery storage, and windfarm development consent orders. This assessment should include consideration of traffic displacement
- The site is 81 hectares. Loss of agricultural land. Impact upon food production
- Cable route is not covered by this application
- No details have been provided of the type and size of battery installation
- Query the contingencies for the site if any of the companies involved experience financial difficulties – including at the decommissioning stage
- Request for assurance that construction traffic will not be routed through Mulbarton
- Impact of the development upon Church Road in Swainsthorpe
- Impact upon public rights of way which cross the site
- Impact of run off
- Query what employment this application will result in?
- Impact upon landscape character – with the mitigation taking ten years

- Questions whether Norfolk needs more green energy infrastructure, as there is already a potential surplus of electricity and with the possibility of more from windfarms the local power networks will not be able to manage or transfer to London and the southeast.

#### 4.2 District Councillors

Cllr N Legg – To committee – major application

Cllr F Ellis – Request this is considered by development management committee as it is major development

Cllr G Francis – This should go to committee as this will have a major impact on Norfolk's countryside and local residents' lifestyles and house values

#### 4.3 Network Rail

Having reviewed the planning application the risks posed from the proposed work to Network Rail will necessitate an agreement with ASPRO via a Basic Asset Protection Agreement ONLY If proposed work is extend to garage units. I have no object to the proposed work and these main concerns risks pose by the works are to be considered in depth:

#### 4.4 Anglian Water

No comments on this application

#### 4.5 Historic Environment Service

No comments received

#### 4.6 National Grid

No comments received

#### 4.7 Senior Heritage & Design Officer

The site lies within relatively close proximity of two designated heritage assets: Kenningham Hall, which is grade II listed farmhouse to the west, and the Church of St Peter, Swainsthorpe to the northeast.

There are archaeological considerations including the site of the deserted medieval village of Kenningham to the west, and a barrow with the site to the east adjacent to Brick Kiln Lane.

Detailed comments have been provided in relation to designated heritage assets which concludes with the findings of the EIA that the development will not have a significant impact on the setting of the heritage assets and have no objection to the proposals if the very low end of less than substantial harm is outweighed by benefits.

#### 4.8 NCC Highways

From a highway's aspect, the provision of a Solar Farm at that location is not unacceptable to us. Ultimately the development itself (will generate little in the way of traffic.

Church Road is adequate for the passing of smaller vehicles. However the road is not designed to cater for large HGV to pass other traffic, and the passing of 2 large HGV would be difficult. The regular use of the route by large HGV is out of context with the purpose of the route which is a cross- country C class road for use by local traffic. One which is subject to a 7.5 tonne weight limit. Such regular movement and manoeuvres by up to 44 tonne vehicles would have a serious impact on the safety of existing road users and potentially the fabric of the road itself.

The route would also take those large vehicles through a residential area which our aims and guidance seeks to avoid.

#### Comments on amended information

The Traffic Access Update Sheet suggests mainly 18 to 26 tonne vehicles, which, although the road is subject to the 7.5 tonne limit, the orders are nearly always written, subject to `access or loading`. Therefore we cannot legally prevent the use of the road by larger vehicles.

However, taking that into account, we consider that some minor highway improvements to Church Lane are required, most likely the section between the residential area of the village and the intended site construction access. the traffic update sheet suggests that the applicant is willing to undertake that.

A one -way system should be operated with entry via Church Road from the A140 and exit via a haul route to Brick Kiln Lane. This can be covered by the Construction Management Plan.

Conditions are proposed in relation to construction of the access, visibility splays, on-site parking for construction workers, and construction traffic management plan.

#### 4.9 NCC Lead Local Flood Authority

This common setup means sites are usually considered 95% permeable, but associated infrastructure like battery storage units, solar stations, substations, internal roads should be considered as fully impermeable.

Consideration should be given to:

1. The current flood risk of the site
2. How the site currently drains
3. Restrict vehicle movements on site to the access track
4. Rutting during the operation phase is also another common problem which can alter natural flow paths
5. Clarification on the type of vegetation which will be planted and how it will be maintained
6. A drainage strategy should be provided for any large impermeable area
7. Consideration of any residual risk
8. A construction environmental management plan should be provided.

#### Comments on additional information

No further comments

#### 4.10 Police Architectural Liaison Officer

This proposed layout does show that Crime Prevention Through Environmental Design features have been carefully considered and mostly incorporated into this proposal.

The main entrances include steel gates which will act as a symbolic barrier to the site. The fencing is supposed to be supported by hedging. As hedges can take a while to establish these should be planted at the earliest opportunity.

The use of CCTV to monitor the site is supported. Lighting should also be considered and a lighting plan developed to work with the CCTV.

4.11 SNC Economic Development Officer

No comments received

4.12 NCC Public Rights of Way Officer

We offer a holding objection to this application. The Public Rights of Way, known as Mulbarton Footpath 12 and Newton Flotman Footpath 2 are aligned within the red line plan. We note that the applicant proposes to 'fence off' the Public Footpaths and we therefore advise that a Highway Boundary plan is obtained

Furthermore, we note that the internal road is proposed to cross Newton Flotman Footpath 2. There is no detail of this proposed crossing point and we would therefore offer a holding objection until these details are clarified. If the PROW is to be closed for any length of time to allow the development to be carried out, the applicant will need to apply for a Temporary Traffic Regulation Order which must be confirmed before any works commence which would impact upon the PROW.

Comments on amended details:

The addition of warning signage for PROW users, along with the use of banksmen during vehicle movements across the PROW, would meet our requirements. The inclusion of wide buffer strips between the PROW and the proposed fencing would allow sufficient width for the Public Rights of Way without impacting on the legal extents.

The full legal extents of these footpaths (Mulbarton Footpath 12 and Newton Flotman Footpath 2), must remain open and accessible for the duration of the development and subsequent occupation.

4.13 The Ramblers

No comments received

4.14 CPRE

Detailed representations on the application, setting out:

- Development is outside of the development boundary where JCS Policy 17 sets out that the agricultural land should be protected
- The proposal does not recognise the intrinsic character and beauty of the countryside as required by NPPF para 174b
- Where solar farms are granted it is expected that these should be on poorer quality land. The application site includes grade 3a and grade 3b land. Comment questions the assessment of grade 3a land and whether this should be higher.
- The cumulative effects of construction work from this proposal would lead to an unacceptable noise and disturbance as well as traffic issues for local residents,
- There doesn't appear to be a planning statement with this application.

## 4.15 NCC Ecologist

Request further clarification in relation to:

1. Timing of construction in relation to Great Crested Newts
2. Peak traffic during the construction phase on the access track
3. Red line site boundary
4. Boundary fencing
5. Dry ponds
6. Hedge widening
7. Breeding bird areas
8. Ecological clerk of works

Following the receipt of additional information clarification has been sought in relation to the proximity of badger setts. Conditions are recommended in terms of an ecological design strategy, a lighting strategy and a construction environment management plan.

## 4.16 Environment Agency

No comments received

## 4.17 Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

## 4.18 SNC Landscape Architect

Detailed comments provided on the individual viewpoints, landscape impacts and cumulative effects. Concludes with the majority of the findings of the LVIA.

Comments also provided in relation to the approach to existing trees and hedgerows, and the proposed landscaping scheme.

## 4.19 SNC Community Services - Environmental Quality Team

No objection subject to conditions

## 4.20 National Planning Casework Unit

No comments received

## 4.21 Water Management Alliance

The site is near to the Internal Drainage District (IDD) of the Norfolk Rivers Internal Drainage Board (IDB) and is within the Board's Watershed Catchment (meaning water from the site will eventually enter the IDD).

I note that the applicant has indicated that they intend to dispose of surface water via SuDS through a proposed swale. We would therefore recommend the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If ground conditions are considered favourable for infiltration, I recommend the swale is designed as per best practice for SuDS.

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

#### 4.22 Other Representations

36 representations were received in relation to the planning application, which set out the following concerns:

- The site is too big and will put too much traffic on these small country back roads
- Object to the inclusion of CCTV
- Object to the use of Church Road as the construction access. This will bring construction traffic through the village causing nuisance and safety issues for residents this should be re-considered. If approved construction traffic movements should be limited. Construction workers should park on site and deliveries should be limited to set times of day.
- Loss of grade 3 agricultural land
- Adverse effect on ecology
- Size of the site, a smaller site would be more acceptable
- This development alongside the other proposals including the Hornsea Substation and lines of pylons is a step too far.
- The applicant decided to not route traffic through Mulbarton to avoid disruption, the same consideration should be given to Swainsthorpe
- The cable route to the sub-station will be a further application. This application should not be considered without it.
- Development conflicts with the character of Tas Tributary Valley Farmland and Wymondham Settled Plateau
- A 35 year lifespan is in effect permanent and not temporary
- The UK imports 40% of its food to feed its population farmland shouldn't be used to produce energy
- This will be a massive semi-industrial blot on the landscape of Swainsthorpe
- Church road is only partly paved for pedestrian use, walkers, dog walkers, mobility scooter users have to walk or drive in the road along long stretches of this road with no safe off road areas, large HGV vehicles would be a danger to the walkers and not be able to pass the invalid carriages travelling at 5MPH.
- The traffic management plan lacks detail and commitment. It is only in draft. Church road has a weight limit which appears to have been ignored. Likely damage to underground services, water drainage plus damage to properties and verges. With the number of vehicle journeys there will holdups and blockage on Church Road.
- To enter Church road, the HGV's will need to use the ghost island on the A140. This is very narrow and has potential to cause accidents, as well as traffic congestion on a busy main road. The location of the proposed entrance to the site looks like it will damage verges and drainage dykes, plus will be a significant danger to any local residents walking along the road or any residents of the Vale wishing to walk into the village.
- Lack of a strategic approach for the development of green energy
- Concerns that all this heavy goods traffic will cause damage to my property's driveway and garden verge as they pull over to avoid oncoming traffic. Also the vibration caused by this heavy traffic could cause structural damage to my house, who will be liable for this? Network rail has already denied Brick Kiln lane as an access for fear of damage to their railway bridge.
- The footprint of this solar farm is bigger than the former Ben Burgess development proposal and will destroy the local landscape and the village setting
- Support the comments from CPRE

- The village has the main Norwich to London railway line running through it. The trains run regularly so it is most likely going to have an impact on the properties near to the line ie, noise, air pollution and vibration when these large slow moving vehicles having to wait at the barriers.
- Swainsthorpe is classed as "other village", in my eyes a hamlet, and therefore cannot possibly sustain all the HGVs that will have to come through from the A140, not forgetting the railway crossing.
- The accumulative effects are significant and we all seek reassurance for instance, that the electro-magnetic effects are fully considered
- The proposed layout of the arrays and service road will result in full visibility of the whole solar farm from pedestrians and traffic using Brick Kiln Lane and will be visible from the Church Road north of the site, particularly from first floor rooms of properties on or near Church Road. The issue of glare for motorists and walkers is acknowledged but not eliminated in these proposals.
- The siting of the large junction boxes in container sized structures together with container sized amenity and welfare facilities will add an ugly addition to the
- agricultural landscape and whilst acknowledging the commitment to screening planting these plantings will take decade to become effective. These structures could be better located.
- I cannot see within the planning application any reference to contingencies to ensure the restoration of the site in the event of it becoming redundant or financially non-viable for the developer.
- When the temporary period is over, will this land be redesignated as industrial and therefore be able to be used as industrial, employment or residential uses.
- Why are the council/government/planners not promoting or enforcing property developers to install solar panels on every new build instead of using valuable farmland?
- There is a solar farm already in situ off Brick Kiln Lane near to Kenningham Hall, the lorries that were used for this project never had to come through our village, they used Brick Kiln Lane which is a much more direct route off the A140, so I see no reason why this route cannot be used for this large project, the company will just have to use smaller lorries to access the lanes more safely.
- Concerned for the future of wildlife and how this will be affected by the massive fenced area. Mammals for example, deer foxes and badgers have free access to roam the proposed area at present. How is wildlife to be mitigated?
- Development will increase flood risk, due to the compaction from HGVs
- The solar farm will be the fourth largest in Britain. Swainsthorpe is not an appropriate location

## 5 Assessment

### Key considerations

- 5.1 The key issues for consideration are the principle of development, its landscape impact, impact on heritage assets, access particularly during the construction phase, residential amenity, ecology and use of agricultural land.

### Principle

- 5.2 Under Section 38 of The Planning and Compulsory Purchase Act 2004 ('The 2004 Act'), the determination of planning applications must be in accordance with the approved development plan unless material considerations indicate otherwise.
- 5.3 The delivery of the solar farm and all renewable energy needs to be considered within the context of the Governments climate change policy. The UK Climate Change Act 2008 set a legal target for greenhouse gas emissions to be 80% lower than 1990 levels by 2050. On 27<sup>th</sup> June 2019, the Government formally amended that target as follows: *'It is the duty of*

*the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.’.*

- 5.4 The NPPF and Planning Practice Guidance, provide the national context for considering applications. Paragraph 158 of the NPPF sets out:  
*When determining planning applications for renewable and low carbon development, local planning authorities should:*  
*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*  
*b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*
- 5.5 The Planning Practice Guidance goes on to set out the particular planning considerations which local planning authorities will need to consider. These include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
  - 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.
  - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
  - the proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
  - the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
  - the need for, and impact of, security measures such as lights and fencing;
  - impact upon heritage assets, ensuring that they are conserved in a manner appropriate to their significance,
  - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
  - the energy generating potential, which can vary for a number of reasons including, latitude and aspect.
- 5.6 In addition to the national policy context, Local Plan Policy DM1.3 criteria 2(c) states that proposals for new development in the countryside will only be granted where specific Development Management Policies allow for it. Policy DM4.1 supports proposals for renewable energy generating development such as solar power. It requires that consideration is given to the effect of the proposal on the character and appearance of the landscape, the effect on designated and undesignated heritage assets and the amenities and living conditions of nearby residents by way of noise, outlook and overbearing effect or unacceptable risk to health or amenity by way of other pollutants such as dust and odour. The policy states that permission will be granted where there are no significant adverse effects or where any adverse effects are outweighed by the benefits.



**Landscape**

- 5.7 Policy DM4.5 relates to landscape character and river valleys. The policy sets out that all development should respect, conserve and where possible enhance the landscape character of its immediate and wider environment. The policy goes on to set out that all proposals will be expected to have regard to the findings of the Landscape Character Assessment.
- 5.8 As part of the application, the applicants have included a Landscape Visual Impact Assessment (LVIA), which has been reviewed by the Councils Landscape Architect. The proposal is located within the landscape character area defined as Tas Tributary Valley Farmland. The Councils Landscape Character Assessment notes that the key characteristics for the area include, open gently undulating to flat and sloping landscape, large open arable fields, framed open views, and small blocks of deciduous woodland. In addition the character area also include scattered remnant hedgerow trees, damp grasslands of ecological importance and a number of transportation corridors.
- 5.9 The LVIA assesses the impact of the development on the landscape features at both year 1 and year 10 once mitigation has established. It observes that there will be some significant effects on landscape features and character, these are at year 1 only, and cease to be significant by year 10. The Councils Landscape Architect has concurred with this view.
- 5.10 As part of the LVIA a number of viewpoints have been used to analyse the visual effect of the development on the landscape. The viewpoints were discussed with the Council and agreed. A landscape mitigation strategy has also been provided which looks at both strengthening existing hedgerows and also new planting including, hedgerows, trees and woodland. Where new hedgerows are proposed these typically follow existing hedgerows and infill gaps. This includes along Brick Kiln Lane and Hall Lane, both of which currently have areas where there are open views of the site.
- 5.11 The LVIA has regard to the proposed mitigation strategy in when considering the impact of the development. The LVIA identifies that there will be significant visual effects from only two views points, viewpoint F (representing railway users) in both years 1 and 10, and from viewpoint I (from the public footpath running from Newton Greenways north to Mulbarton) in year 1 only. In relation to the impact at viewpoint F, it should be noted that this relates to users of the railway line only, and due to travel speeds the visual impact of the solar farm will only be visible for a limited time period.
- 5.12 Notwithstanding the findings of the LVIA, the Councils Landscape Architect has assessed each of the viewpoints as well, against the same criteria. In the main the assessment has concurred with the findings of the LVIA, where there has been a difference, further information has been submitted by the applicant to expand upon their response. The key differences related to both viewpoints D and E, where the level of significance of difference has been considered. These viewpoints relate to the view from Swainsthorpe public bridleway. The additional information sets out that whilst the impact would be higher in year 1, the impact would decrease by year 10. This reflected the likelihood that there would only be occasional glimpses of the tops of the panels and the fact that where visible they would occupy only a small portion of the view (most potential views being blocked by intervening foregrounds vegetation and landform. Having assessed the impact from the bridleway, the comments are concurred with.
- 5.13 Alongside the assessment of individual viewpoints, an appraisal of the cumulative impact of the development has also been undertaken. Cumulative effects have been defined as effects that result from incremental changes caused by other past, present or reasonably foreseeable developments together with the project. It is noted that representations have included concerns about the number of other solar farms and energy projects in the local

area, which has been described as resulting in the industrialisation of the area. In this instance, the cumulative impact assessment has had regard to the other solar farms within the vicinity. The site is in close proximity to the existing solar farm at Brick Kiln Lane, and this was taken into account in the baseline for the LVIA. Their assessment has also considered the solar farm at Cranes Road, Hethel which was approved in December last year. This site is located to the west of Mulbarton, and due to the separation distance, the assessment concludes that it will not result in a cumulative impact. The cumulative impact assessment is agreed with.

- 5.14 Having regard to the submitted information, including the LVIA and the mitigation strategy, and the comments received from the Councils Landscape Architect, the proposal is considered to result in an acceptable proposal in regard to landscape impact. The proposal is therefore considered to conform to the requirements of DM4.5. A condition is proposed to secure the landscape mitigation strategy.

### **Loss of agricultural land**

- 5.15 The loss of agricultural land has been raised through a number of the public representations. This has included concerns about food production.
- 5.16 The PPG sets out that where a proposal involves green field land, as in this case this should be on poorer quality agricultural land. Best quality 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 11.1 hectares of grade 3a land, 67.8 hectares of grade 3b land and 1 hectare of non agricultural land. The grade 3a land is found in two areas to the south of the site.
- 5.17 It should also be noted that the proposed development is temporary and reversible which will not result in the permanent loss of agricultural land. Agricultural activities can continue on the site, albeit in the form of pastoral activity such as sheep grazing rather than the current arable crop production. The percentage of best and most versatile land used to be application equates to 14% of the site area.
- 5.18 By virtue of the majority of the site being located not on the best or most versatile land, the proposal in relation to agricultural land is considered to be acceptable. It is considered to accord with the requirements of the PPG for the land to be poorer quality, and for it to continue to allow agricultural use.

### **Highways - Including the public right of way**

- 5.19 Policy DM3.11 relates to highways safety and is considered to be of relevance to this application. Once operational the use itself will only generate limited transport journeys, however a number of concerns have been raised within the public representations in regard to the construction access. This is proposed to be via Church Road in Swainsthorpe. The public comments include concern in relation to the narrow width of Church Road, the lack of footpaths, and the need to cross the railway line.
- 5.20 The Highways Authority have reviewed the proposal and confirmed that by virtue of the limited number of journeys, once operational they would not object to the solar farms location. In relation to the construction access and the use of Church Road the Highways Authority have confirmed that Church Road is not designed to cater for large vehicles, as it has a weight restriction. Following receipt of the comments from the Highways Authority, the applicants have confirmed that they would agree to the use of smaller vehicles during the construction process. They have provided an updated traffic statement which has clarified that construction delivered will be made via smaller vehicles. The statement also sets out that deliveries would occur during off peak times, wheel washing facilities would be

provided on site, there would be traffic management at the site access, pre and post construction surveys of the road. The applicants have confirmed that the construction period is expected to last 6 months.

- 5.21 The Highways Authority have confirmed that whilst the smaller vehicles would still be heavier than the 7.5 tonne limit, this is not a restriction for vehicles accessing a site. Notwithstanding this they have indicated that some improvements may be needed to Church Road to accommodate this, most likely to be in the stretch between the residential area and the site access. Furthermore, they have also recommended that vehicles exit via Brick Kiln Lane. The proposed haul route crosses the lane twice to serve the site, making this an acceptable approach. These measures can be secured via a construction management plan which is proposed to be conditions. On this basis the Highways Authority have not objected to the proposal.
- 5.22 In relation to public rights of way (PROW), the PROW known as Mulbarton Footpath 12 and Newton Flotman Footpath 2 crosses the application site to the south. The applicant has provided confirmation that the footpath will remain open at all times. During the construction phase, they have also confirmed that this will be signed and banksmen will be in place during deliveries and for vehicles movements across the PROW. This requirement will be secured as part of the condition construction traffic management plan. The Rights of Way Team have reviewed the submitted information and confirmed that they do not have an objection to this approach.
- 5.23 Subject to the inclusion of conditions, the proposal is considered to accord with the requirements of DM3.11.

#### **Impact upon residential amenity**

- 5.24 The nearest properties to the site are Kenningham Hall which is located within 170m of the site on Brick Kiln Lane, the properties at Greenways, Newton Flotman which are located approximately 200m from the site, and 43 Church Road, Swainsthorpe which is located approximately 220m away.
- 5.25 As part of the Environmental Statement, the applicant has provided a noise assessment and a glint and glare assessment. In relation to noise, once operational the site will not have a significant noise impact.
- 5.26 A key issue in relation to the impact upon residential amenity is during the construction phase, and concern in this regard has been raised through the public representations particularly in relation to the route of construction traffic along Church Road. As set out above, the proposal has been amended to reduce the size of the vehicles which would transport the majority of the materials to the site. The Council's Environmental Quality team has requested the inclusion of a condition for a construction management plan to be provided in advance of the work beginning on the site. This should consider both noise and dust during the construction phase to protect the occupants of surrounding residential developments whilst construction is ongoing.
- 5.27 Solar farms can also result in glint and glare from the panels which impacts the amenity of neighbouring residential dwellings. A glint and glare assessment has been provided, this considered a range of receptors including residential properties, road and rail, and also aviation. The report indicates that most of the receptors including residential properties will be shielded from glint and glare by the on-site vegetation. However, some of the properties will not be protected and a hedge is proposed to be planted as a mitigation measure. This will take time to grow which will mean that the affected property could be subjected to light nuisance. A condition is therefore proposed to secure mitigation should glint and glare become an issue prior to the hedges being planted as mitigation reaching an appropriate height.

- 5.28 Subject to the inclusion of conditions in relation to a construction management plan and glint and glare mitigation, the proposal is considered to be acceptable in accordance with the requirements of DM3.13.

### **Impact upon heritage assets**

- 5.29 Policy 16 of the NPPF and Policy DM4.10 of the SNLP requires Local Planning Authorities to assess the impact of any development on the significance of heritage assets and Sections 16 and S66(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. The site lies within relatively close proximity to Kenningham Hall which is grade II listed and the Church of St Peter and Paul. In addition to this, the site is also in close proximity to Kenningham medieval village which lies to the south-west.
- 5.30 The proposal has been reviewed by the Council's Senior Design and Heritage Officer and he has confirmed that in relation to Kenningham Hall, the wider setting of the farmhouse and its agricultural buildings will be impacted upon, however there is an intervening field to the east which is remaining as agricultural. With the low-lying nature of the panels and existing hedgerows the setting, in which the asset is experienced from public vantage points, will be largely preserved. The solar panels will however be visible from Brick Kiln Lane in the short term in views of mainly the agricultural farm buildings, due to missing hedgerow section. However, new roadside hedging, once established, will help to overcome this harm, screening views of both the farm buildings and panels in the long term. In relation to Swainsthorpe Church, whilst the tower can be seen from some of the viewpoints, there is a reasonable degree of separation between the solar farm and the church itself. The significance of the Church is therefore better appreciated in close proximity, and the solar farm is not considered to result in an adverse impact.
- 5.31 Taking into consideration the significance of the listed buildings and the setting the proposal would not have a detrimental impact on the significance of the listed building and the setting of the listed buildings would be preserved by virtue of the separation distance between the listed buildings and the heritage assets. As such, it is considered that the proposal would accord with Policy 16 of the NPPF, Policy DM4.10 of the SNLP and Sections 16 and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 5.32 In terms of archaeology, the Environment Statement has considered this in detail and has set out that the site has a high potential for features or finds from the Medieval and Post-Medieval periods. Areas of land to the west of the site close of Kenningham Medieval Village have been excluded from the red line development area for this reason. Notwithstanding this a further archaeology evaluation is proposed to include a programme of archaeology. This will be secured via condition.

### **Ecology**

- 5.33 As part of the Environmental Statement information has been provided in regards to Ecology. There are no statutory designated sites within immediate proximity to the site. Following initial comments additional information has been submitted in relation to protected species, and in particular Great Crested Newts and Badgers. In terms of Great Crested Newts the ecologist has confirmed that there is sufficient information. The Ecology comments have noted that there are badger setts within the vicinity of the site and in particular the planting. Details have been requested to ensure that the planting is 30 metres away from the badger setts. Clarification has been sought from the applicants on this matter, however having regard to the size of the red and blue line it is considered that the planting can achieve this without an adverse impact upon the landscaping scheme.

- 5.34 Conditions have also been requested in regard to an ecological design strategy, a lighting design strategy and a construction environment management plan. Subject to the inclusion of conditions, and the information in regard to the position of the planting and the badger sett the proposal is considered to be acceptable in relation to ecology.

### **Trees and Hedgerows**

- 5.35 Policy DM4.8 seeks to promote the retention and conservation of significant trees, woodlands and traditional orchards. Furthermore, it goes on to set out that the Council will presume in favour of the retention of 'important' hedgerows as defined by the hedgerows regulations. In addition Policy ENV3 of the Mulbarton Neighbourhood Plan is of relevance to those parts of the application in Mulbarton parish.
- 5.36 As part of the application an Arboricultural Implications Assessment has been provided. This has identified many significant trees within the boundaries of the scheme, none of which are proposed to be lost as part of the development. A condition is proposed to secure the details of the tree protection. The proposal is considered to conform to the requirements of DM4.8 and ENV3.

### **Drainage**

- 5.37 The application site is located within fluvial flood zone 1. In regard to surface water flood risk there are some areas of the site at low risk of surface water flooding. Areas of surface water flooding are generally seen where drainage ditches are present. A drainage strategy has been proposed as part of the application. The solar panels will be mounted on frames that are pile driven, this allows that natural ground surface below the solar panels and means that there is only a slight reduction in the amount of permeable ground. Notwithstanding this, the drainage strategy does include swales along the eastern edge of the application site as a precautionary measure. The location of which has reflected the surface water flow paths and will manage any run off from the site.
- 5.38 It is proposed to include a condition to ensure that the development is carried out in accordance with the drainage strategy. Subject to the inclusion of a condition, the proposal is considered to be acceptable in relation to DM4.2 and ENV4 of the Mulbarton Neighbourhood Plan.

### Other Issues

### **Appropriate Assessment**

- 5.39 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 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. 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).

**Equalities Impact Assessment**

- 5.40 An Environmental Statement was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for this application. I am satisfied that adequate information has been submitted in the Environmental Statement to assess the environmental impact of the proposal, and appropriate consultation and publicity has been undertaken to comply with the above Regulations.
- 5.41 As part of my assessment I have considered and assessed the direct and indirect significant effects of the proposed development on the following factors:
- (a) population and human health;
  - (b) biodiversity, with particular attention to species and habitats protected under EU Directive
  - (c) land, soil, water, air and climate;
  - (d) material assets, cultural heritage and the landscape; and
  - (e) the interaction between the factors referred to in sub-paragraphs (a) to (d).
- 5.42 The operational effects of the proposed development have been considered where appropriate, and any significant effects arising from the vulnerability of the proposed development to major accidents or disasters that are relevant to that development.
- 5.43 These matters are reported in the relevant sections of this report
- 5.44 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.
- 5.45 This application is not liable for Community Infrastructure Levy (CIL)

**Conclusion**

- 5.46 The proposal would provide 49.9 MW of electricity per annum. This will make a positive contribution towards achieving green energy targets, tackling the challenges of climate change, lessening dependency on fossil fuels and benefit from energy security. The proposal is considered to accord with the requirements of Policy DM4.1.
- 5.47 Consideration has been given to the impact of the development, upon the landscape, ecology, trees, drainage and heritage assets. Detailed information has been provided as part of the Environmental Statement. Conditions have been proposed in accordance with the requirements of Policies DM4.5, DM4.8, DM4.2 and DM4.10 respectively.
- 5.48 Consideration has also been given to local residents through assessment of the impact upon amenity, and on the road network particularly during the construction phase. Subject to conditions the scheme is considered to meet the requirements of DM3.11, DM3.12 and DM3.13.

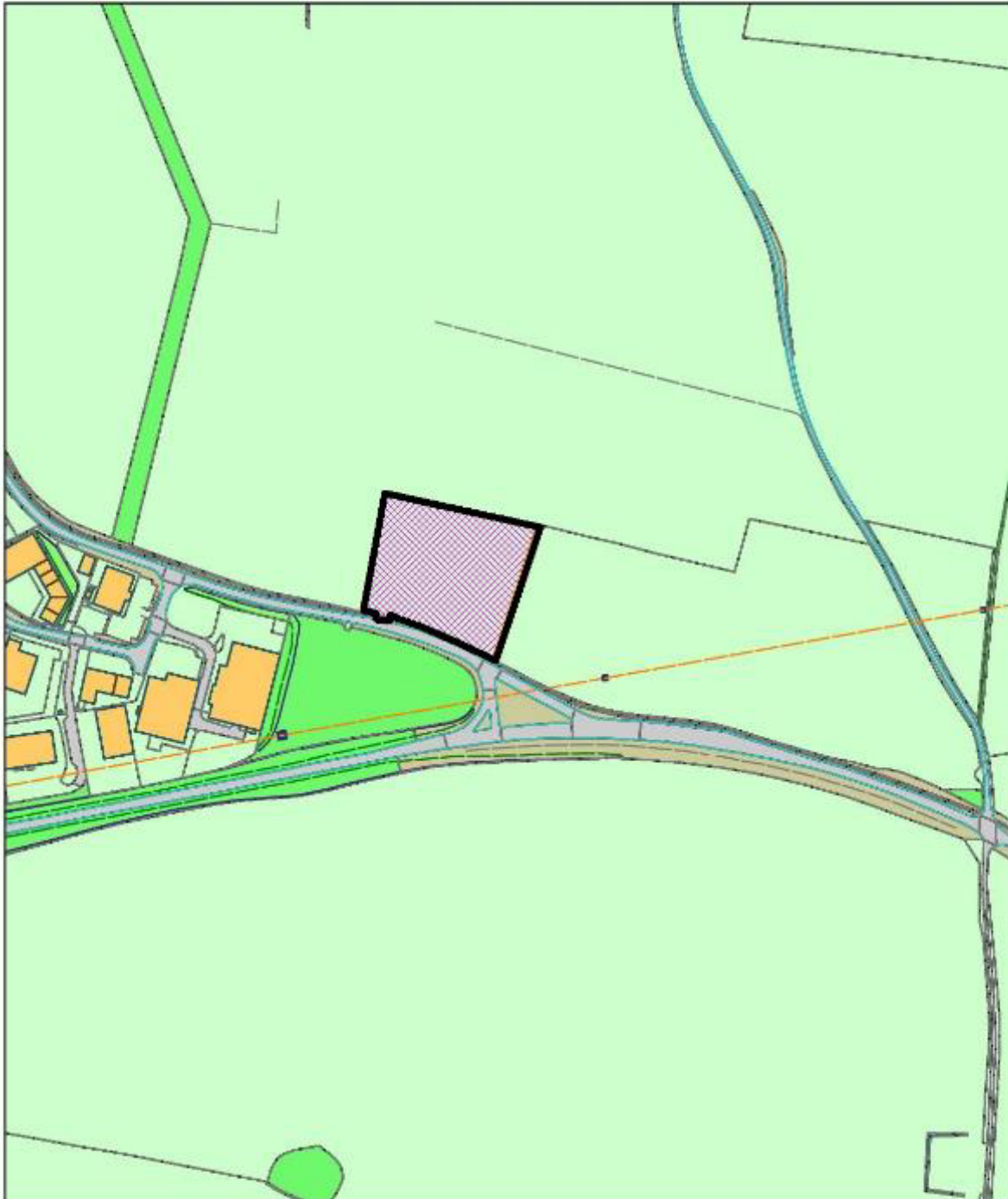
Recommendation :      Approval with Conditions

- 1      Time Limit – temporary permission with operational consent for 35 years
- 2      Submitted drawings
- 3      Decommissioning
- 4      Construction Management Plan – Noise and Dust
- 5      Glint and Glare screening
- 6      Drainage Strategy
- 7      Construction of access
- 8      Visibility splay
- 9      On-site parking for construction workers
- 10     Construction Traffic Management Plan
- 11     Compliance with the construction traffic management plan for the duration of construction
- 12     Ecology Design Strategy
- 13     Lighting Design Strategy
- 14     Construction Environment management Plan
- 15     Tree Protection Plan
- 16     Landscaping Scheme
- 17     Archaeology

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**Application 6**

2022/0016



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**6 Application No: 2022/0016/F**  
**Parish: LODDON**

Applicant's Name: Mr Steve Earl  
 Site Address Land North of Beccles Road Loddon Norfolk  
 Proposal Erection of a commercial building to accommodate manufacturing and technology facility and community facilities

Reason for reporting to committee

The Assistant Director of Planning considers that the nature and location of the development warrants consideration of the proposal by committee.

Recommendation summary: Approval with Conditions

**1 Proposal and site context**

- 1.1 The application site is located on the eastern side of Loddon, to the north of Beccles Road and opposite the existing commercial/industrial sites that are situated to the south of Beccles Road. The application site is an open field, bounded to the east, west and north by open field boundaries. The Beccles Road frontage includes some existing hedging and trees. The site is outside of, but adjacent to, the development boundary of Loddon.
- 1.2 The proposal is for the erection of a building with associated access/parking/turning/loading areas and landscaping for uses as a commercial premises for manufacturing and technology, office space and function space.

**2. Relevant planning history**

- 2.1 None

**3 Planning Policies**

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02: Achieving sustainable development  
 NPPF 04: Decision-making  
 NPPF 06: Building a strong, competitive economy  
 NPPF 07: Ensuring the vitality of town centres  
 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 Joint Core Strategy (JCS)  
 Policy 1: Addressing climate change and protecting environmental assets  
 Policy 2: Promoting good design  
 Policy 3: Energy and water  
 Policy 5: The Economy  
 Policy 6: Access and Transportation  
 Policy 7: Supporting Communities  
 Policy 14: Key Service Centres
- 3.3 South Norfolk Local Plan Development Management Policies  
 DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
 DM1.3: The sustainable location of new development  
 DM1.4: Environmental Quality and local distinctiveness

DM2.1: Employment and business development  
DM3.8: Design Principles applying to all development  
DM2.4: Location of main town centre uses  
DM3.10: Promotion of sustainable transport  
DM3.11: Road safety and the free flow of traffic  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life  
DM3.14: Pollution, health and safety  
DM4.2: Sustainable drainage and water management  
DM4.4: Natural Environmental assets - designated and locally important open space  
DM4.5: Landscape Character Areas and River Valleys  
DM4.8: Protection of Trees and Hedgerows  
DM4.9: Incorporating landscape into design  
DM4.10: Heritage Assets

#### 4. Consultations

##### 4.1 Loddon Parish Council

- Supports the application

##### 4.2 District Councillors

Cllr Kay Mason Billing

To be reported if appropriate

Cllr Jeremy Rowe

To be reported if appropriate

##### 4.3 Historic Environment Service

No objections subject to conditions:

- The proposed development site lies close to an area of possible Roman and Middle Saxon settlement identified through fieldwalking. In addition, medieval pottery has been found in the surrounding fields, as well as prehistoric flints to the east, and Roman and Middle Anglo-Saxon pottery to the south. An archaeological trench excavated on the south side of Beccles Road in 2007 found two ditches and some prehistoric flints. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.
- If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205.

##### 4.4 Anglian Water Services

No objections:

- The foul drainage from this development is in the catchment of Sisland Water Recycling Centre that will have available capacity for these flows.
- Informative requested regarding foul water
- Information provided regarding surface water

## 4.5 SNC Senior Heritage &amp; Design Officer

No objections subject to conditions:

- There is no impact on the setting of heritage assets. With regard to the design, the site is located close to the perceived 'entrance' into Loddon at the junction of the A146 and Beccles Road some distance from the historic core of the town and the conservation area, and not affecting the landscape connections which link the centre of the town to the surrounding countryside.
- The building has been intentionally designed as a landmark building also offering a community facility. It is a large scale building but is well balanced and proportioned with glazing giving it a more 'lightweight' appearance and a projecting canopy roof and vertical columns that help to break down the bulk and give interest. Although the front/south elevation will be the principal elevation, architectural attention has also been given to the side elevations which will be visible when approaching from either direction along Beccles Road. The building will also be set back within the site with frontage landscaping so that it will not be quite so dominant in terms of its appearance and impact on the street scene.
- In terms of the existing character of the area, views are quite open to the north, however commercial development has already been established to the southwest with large scale commercial buildings. These are however at a lower level. This site will establish commercial development on the north side at a higher level, and residential development is proposed further to the northwest, however there will be additional planting to the west, north and east to provide some screening and situate the building within a landscape setting. Also, it is quite a 'clean' use of the building with high tech technology so is more akin to a business/science park type of building rather than industrial and locating the building centrally within the site with landscape planting around is compatible with that design approach.
- The planting/loading area is well located to the rear of the building, with more welcoming visitor parking to the front with legible front entrance and reflection pool feature. Cycle parking will be well located near the front entrance in a very secure and visible location.
- I therefore consider that the building meets the design objectives of the NPPF and the local plan/Place Making guide and have no objections to the proposals. I suggest conditioning materials, including landscape materials as there is a lot of hard surfacing, to approve the final appearance.

## 4.6 SNC Community Services - Environmental Quality Team

No comments received

## 4.7 NCC Highways

Consultation 1:

No overall objection, however some amended details or clarification required with regard to:

- Site access (visibility splays)
- 30mph signage
- Offsite works

Consultation 2:

No objections subject to conditions:

- Tactile paving will be required each side of the entrance (can be done through condition)
- entrance does impact 30mph signs so Traffic Order will be required
- Visibility splay acceptable
- Confirmation no offsite works required

## 4.8 NCC Lead Local Flood Authority

Site is not within a surface water flow path or flood zone  
Site drainage should according with relevant policy and legislation  
Standing advice given

## 4.9 Police Architectural Liaison Officer

Advice given with regard to site security and design considerations

## 4.10 SNC Economic Development Officer

Support the proposal:

- I have worked with the applicants Panel Graphic Limited to try and find a way for the business to stay in the Loddon area on land already allocated for employment uses. It has not been possible for them to either acquire such a site, or for their need for space to be accommodated within development plans for any such allocated site in the Loddon area.
- Panel Graphic Limited are an exemplary multi-award winning local business that have been demonstrating year on year growth. This has now resulted in them outgrowing their current premises and looking to expand onto this new site. We welcome that their ambition with moving into this proposed building will increase employee numbers from 37 to 75.
- This is a business that trades internationally with well recognised businesses, and in doing so helps draw attention to Loddon and the area as a place to do business.
- The business very much want to stay located in Loddon, and has developed strong local community links most notably to the local high school. Many of their employees already live in the Loddon area. This application looks to strengthen that link to the local community even further by making facilities available for local community uses which is
- commendable.
- In Economic Development terms we would very much support this application for a local business to grow here and retain and grow jobs for local people in the local area.

## 4.11 SNC Landscape Architect

Consultation 1:

- Concerns raised with regard to provision of boundary landscaping and with the approach to landscaping in general that would conflict with the sites rural character.

Consultation 2:

- Sufficient amendment provided to be satisfied that landscaping can be provided to a satisfactory level. Condition required to secure this.

4.12 Other Representations

3 Comments Received:

1 Support:

- Good looking design and would encourage more employment coming to Loddon

## 2 Objections:

- This will encourage more building on that side of Beccles Road – the site should be kept as open countryside.
- There are empty units on Loddon industrial estate that could be used instead.
- Too much productive agricultural land is being lost when there is a grain shortage
- This will result in infilling of development on this side of Beccles Road
- The development is not needed and should be refused

## 5 Assessment

### Key considerations

- 5.1 The key considerations of the proposal are the principle of development, landscape, design, ecology, heritage, drainage, amenity and highways

### Principle

- 5.2 The proposal is located outside of the development limits of Loddon but it is for full permission for a new employment site. Policy DM1.3 provides two routes for development outside limits. These are criterion (c) where other development management policies allow for development in rural locations or (d) where overriding benefits are demonstrated in the economic, social or environmental themes of assessment. It is noted that objection has been raised with regard to the location of this development which is addressed in this section.
- 5.3 For the purposes of this assessment, and having regard to criterion c) of Policy DM1.3, policy DM2.1 is applicable in relation to the principle commercial development. It states in part 1 of the policy that proposals shall be supported unless there are significant adverse impacts in relation to policies DM1.3 and DM1.1 and further to this, in part 7 it states that new locations in the countryside will be supported where they are well related to existing rural towns and villages and where it has been sequentially demonstrated there are no other preferable sites.
- 5.4 In relation to the location of development considered in part 7, the proposal is well related to Loddon, with the development boundary running along Beccles Road to the front of the site. It is opposite the existing employment area and already has footpath links into the town from the proposed site access. The potential of other sites has been explored in relation allocations and other areas within settlement boundaries. The search area has been centred around Loddon due to the location of their workforce and links built up with the local community. The existing business park does not have a building of sufficient size and the two allocated site are subject to existing proposals and planning approvals and are unavailable despite the options being explored. Other sites outside of development limits have also been considered and of these, the application site was the most sustainable and best related to the existing employment and development boundaries. This has been reinforced by the council's economic development officer comment on the application. Sites further afield would not suite the specific needs of a local Loddon business that needs to expand and as such I consider the proposal to have met the sequential test requirement for rural employment proposals.
- 5.5 The proposal therefore meets requirements of part 7 of policy DM2.1. Returning to the requirements of part 1 of Policy DM2.1 the following is an assessment of the planning merits of the scheme and whether there are any significant adverse impacts.

**Design and Landscape**

- 5.6 Policy DM3.8 of the SNLP, 2 of the JCS and section 12 of the NPPF require good design which is of particular importance in prominent locations such as the application site. Furthermore, and of equal importance on this application site, policies DM4.5 and DM4.9 relate to landscape impact and incorporation of landscape into the design of new proposals.
- 5.7 The application is for a new commercial premises for Panel Graphic to allow for significant expansion along with office space for rent and function space available for use locally as well as by the business. As such, the proposal is designed to be a signature building and commercial hub with associated parking, deliveries and turning areas along with boundary and interior landscaping.
- 5.8 The location is an open field at present, rising slightly to the north and east. The only existing vegetation is a mixed native hedgerow with sporadic medium trees along the Beccles Road (southern) boundary. The remainder is open to the surrounding fields with long distance views across the open countryside. The existing employment sites sit to the south of Beccles Road, opposite the application site; however, these are on land that is lower as it descends to the river valley.
- 5.9 The proposal has given thought to this setting by designing a structure that is substantial in footprint to accommodate the space, while remaining low and subservient in the landscape through its flat roof and adjustment of site levels within the site. Notwithstanding this, the open landscape would leave a large amount of visibility and an unscreened proposal would cause significant harm to the open surrounds in terms of encroachment of built form on its character. This provided the basis for adjustments, especially following comments from the landscape officer. The site plan has since been adjusted to show some retention of the frontage hedge/trees and more space to allow for a greater degree of native planting of both hedges and trees around the outside of the site. This treatment of exterior areas will allow for more flexibility for interior areas to have formal planting around the building entrance and car park for example. A condition has been included requiring detailed submission of landscape planting proposals in order to fully overcome this concern, however the space provided is now considered adequate to meet this need for this stage of the application. While there will be an impact on the local landscape, it is considered that the design of the building and areas reserved for landscape planting combine to mitigate this to an acceptable level and, as such, the proposal accords with policies DM4.5 and DM4.9 of the SNLP.
- 5.10 With regard to the design details of the building itself; the use requires an element of functionality, especially in relation to its massing, loading and parking/turning requirements, however significant effort has been made to give the structure a signature look, fitting of its use as a headquarters on one of the most visible entry points of Loddon. The proposal has received no objection from the council's heritage and design officer subject to a material condition to secure the specification of the proposed materials given their prominence and the application has received a letter of support in the general consultation also complementing the design of the proposal. Given the potential and often used approach for manufacturing sites to be purely functional in form and design detail, the design approach used here is considered to create a well-rounded and ambitious proposal that provides good design, while acknowledging the landscape constraints and therefore it accords with the aims of Policy DM3.8 of the SNLP, 2 of the JCS and the new emphasis on 'beautiful' buildings (acknowledging the subjectivity of this word) contained within NPPF section 12 also.



- 5.11 Within the context of a planning balance, there is landscape harm, however this is significantly mitigated by the quality of the design and potential for site landscaping and buffer planting.

### **Trees/Hedges**

- 5.12 Policy DM4.8 requires application to protect existing trees and hedgerows where possible. The revised proposal now incorporates efforts to retain as much of the existing hedge and trees along the southern boundary as is practical and in this context and, while some still be lost, this is considered sufficient (especially given the landscape proposals discussed above) to accord with this policy. Conditions relating to the retention of trees and hedges and for protective fencing to be use around retained features are included in the proposal to reinforce the above consideration.
- 5.13 On balance the impact on trees and hedges is considered neutral with losses compensated many times over the scale of replanting and additional planting possible.

### **Highways**

- 5.14 Policy DM3.11 considers highway safety, while policy DM3.12 considers the parking requirements of new development. The proposal creates a new access onto Beccles Road to service the proposal and provides, parking for vehicles and bicycles within the site along with turning and loading areas for larger vehicles.
- 5.15 The Local Highway Authority have assessed the proposal and despite some initial concerns relating to the location and specific design of the access, which has now been resolved, they offer no objection subject to a range of conditions.
- 5.16 Specific considerations included whether any potential offsite highway improvements were required such as the provision of pedestrian links. It is noted that there is existing foot and cycle ways servicing the site and it is considered that any works offsite would be in excess of what could reasonable be required/ provided by this development. This is due to the land level changes on the south side of Beccles Road, which would make any footpath there somewhat unsafe, without extensive retaining walls or barriers being provided. In view of the above it is considered that whilst an improved pedestrian link would be desirable, it is not considered reasonable or necessary (as confirmed by NCC Highways) to make the development acceptable in this instance. The developer will be required however to relocate the 30mph signs which are in the way of the new access point. This will be done via traffic regulation order and is required by a condition on the application.
- 5.17 Outside of the above concerns, the access is suitable, with the ability to provide adequate visibility splays. Parking and turning provision also meet requirements.
- 5.18 Overall, the proposal is therefore acceptable in relation to both DM3.11 and DM3.12 of the SNLP.

### **Amenity**

- 5.19 Policy DM3.13 of the SNLP considers the impact on the amenities of neighbours to the site in relation to considerations including overshadowing, overlooking and noise. The site is remote from the nearest residential properties (which are some distance to the west) and is located on the opposite side of Beccles Road from the nearest commercial premises.
- 5.20 As such no significant impact on amenity is anticipated and the proposal accords with DM3.13 of the SNLP.

**Drainage and Flood Risk**

- 5.21 Policy DM4.2 of the SNLP considers flooding risk and drainage. The application is located in flood zone 1 and there are no areas of surface water flooding highlighted on the Environment Agency Maps or Flood Risk Assessment (FRA) with the site or its access points. The proposal provides a site drainage strategy that follows the principles of the SuDS hierarchy have been followed with the percolation tests showing that infiltration is viable. The scheme includes a combination of permeable paving and swales in order to contain the site runoff. The approach and detailed calculations are acceptable and as such a condition is included to construct in accordance with the proposed drainage strategy and drainage details.
- 5.22 Further to this, nutrient neutrality considerations (covered in more detail at the end of this report) within South Norfolk have provided greater emphasis on foul water drainage. Anglian Water offer no objection and confirm there is capacity at Sisland water treatment plant. A condition has therefore been included to require foul drainage connects to the main sewer.
- 5.23 In view of the above the proposal is considered to accord with policy DM4.2 of the SNLP.

**Heritage**

- 5.24 DM Policy 4.10 sets out that proposals must have regard to the historic environment and safeguard the setting of such features. The Senior Conservation and Design Officer has been consulted and offers no objection on heritage grounds, confirming that the proposal does not impact heritage assets such as listed buildings and Loddon Conservation Area.
- 5.25 Norfolk Historic Environment Service also provided a response indicating the potential for archaeological interest on the site and requesting a condition relating to archaeological investigation and recording. This has been included within the decision notice to ensure archaeological interests are safeguarded.
- 5.26 As such the proposal accords with policy DM4.10 of the SNLP.

**Ecology**

- 5.27 Policy DM4.4 requires consideration of the ecological impact of proposals along with wider impacts on designated sites. The existing site is open agricultural field with the primary existing interest siting with the hedgerow along the southern side. The site is relatively distance from designated sites and no impact is anticipated.
- 5.28 The proposal is accompanied by an ecological assessment which covers all of the key protected species required, concluding that there will not be a significant impact subject to some recommendations. These include methodologies for construction and features such as new bird and bat boxes along with a recommendation for native species to be used on boundary planting for the site. Given the open boundaries and interior of the site at present, with the exception of the southern boundary there is potential for a significant improvement to habitat provision if the development follows the recommendations put forward. As such, two conditions are proposed; one for construction methodologies to minimised accidental damage and one to require specific details of the ecological mitigation to the provided on the final scheme.
- 5.29 It is noted ecological concerns will also be benefitted by the previously covered retention of trees and hedges and protective fencing requirements. It is noted that the site will still be required to comply with other relevant protected species legislation

outside of the planning system notwithstanding any requirements include in this recommendation.

- 5.30 Overall, the proposal is considered to accord with policy DM4.4 of the SNLP.

### **Economic Impact**

- 5.31 The proposal is forecast to create 38 jobs and provide a bespoke commercial facility using high quality design. There is also, some additional office space for rent by other businesses and a flexible function facility that can be used by occupants of the building or external users. The location of this development will not affect town centre businesses by virtue of its use and the function space forms a minor part of the overall facility, significantly subservient to its overall use. It therefore complies with the aims of Policy DM2.4 with regard to impact on town centres. Within a planning balance this can be given significant weight in favour of the proposal.

### **Social Impact**

- 5.32 The combination of commercial space, new jobs and potential useable space for the community, while primarily economic benefits, also have a level of social benefit of minor significance in the planning balance.

### **Other Issues**

- 5.33 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 outside of the catchment area of the sites as identified by Natural England and as such; this would only be a consideration if drainage flows enter the catchment from the site. 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. Furthermore, no drainage enters the catchment from this location. 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).
- 5.34 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.
- 5.35 This application is liable for Community Infrastructure Levy (CIL)

### **Conclusion**

- 5.36 Whilst the proposal is located outside of the development boundary it is evident from the above assessment that the scheme complies with the relevant requirements of Policy DM2.1 which in turn allows it to be considered positively under criterion d) of Policy DM1.3 of the SNLP.

- 5.37 In term of all other planning related issues ie highway safety, amenity, ecology, drainage/flood risk, heritage and trees/hedges etc for the reasons outlined above all are considered to comply with the requirements of the relevant planning policies.
- 5.38 With the above in mind the application is recommended for approval subject to conditions.

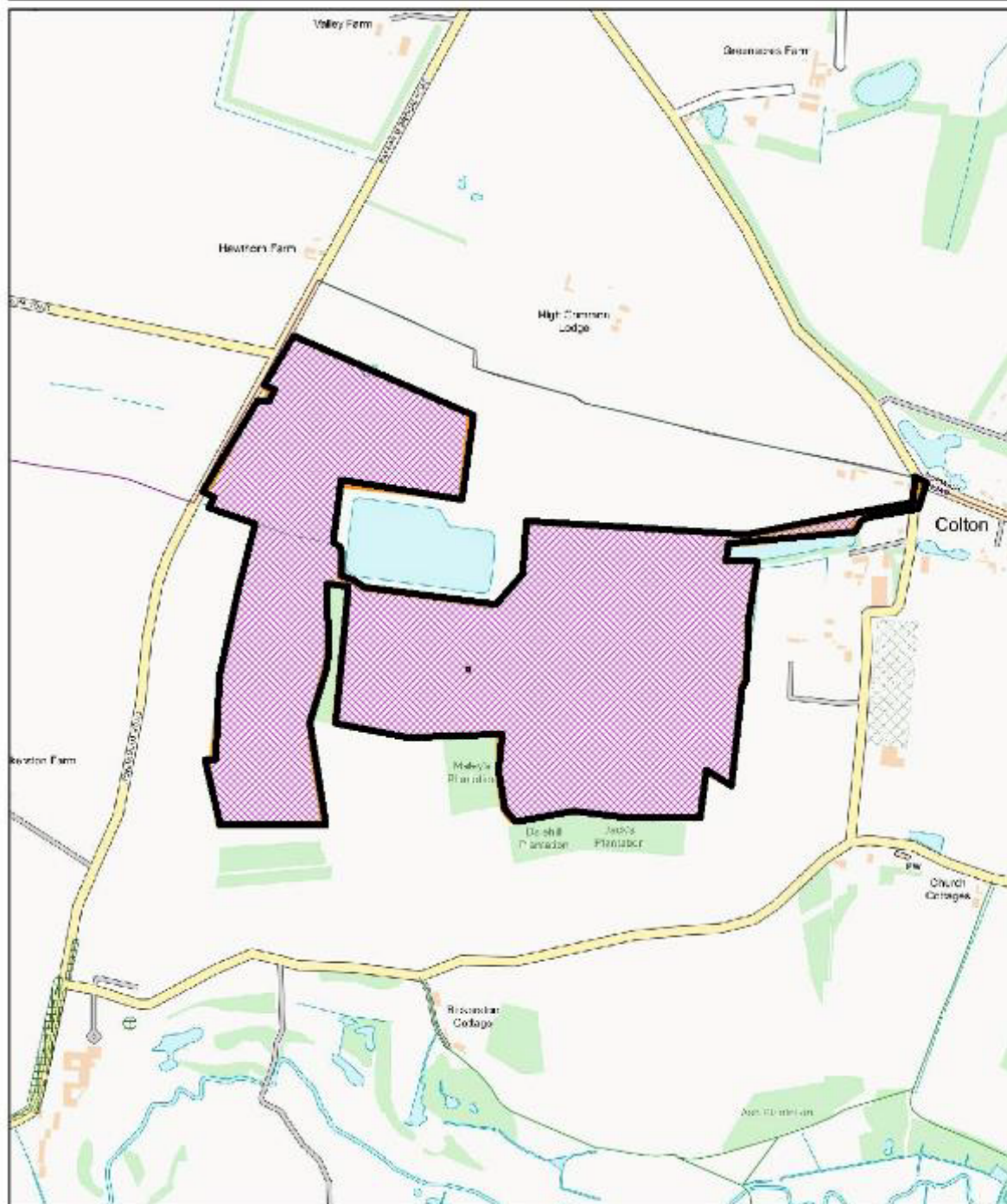
Recommendation: Approval with conditions

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Materials
- 4 Specific Use
- 5 Landscaping scheme - major applications
- 6 Retention of hedges, hedgerows and trees
- 7 Tree protection
- 8 Landscape management plan
- 9 Construction Traffic (Parking)
- 10 Traffic Regulation Orders
- 11 New Access
- 12 Access Gates - Configuration
- 13 Provision of parking, service
- 14 Visibility splay, approved plan
- 15 Archaeological Investigation
- 16 Ecology Mitigation - Construction
- 17 Ecology Mitigation
- 18 Surface water
- 19 Foul drainage to main sewer
- 20 Renewable Energy - Decentralised source

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**Application 7**

**2022/0509**



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South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633



**7. Application No : 2022/0509**  
**Parish : COLTON**

Applicant's Name: Mr Harman Sond, Pathfinder Clean Energy (PACE) Ltd  
 Site Address: Land east of Barnham Broom Road, Colton, Norfolk  
 Proposal: Ground mounted solar photovoltaic (PV) farm with battery storage; along with continued agricultural use, ancillary infrastructure and security fencing, landscaping provision, ecological enhancements and associated works including underground cabling.

Reason for reporting to Committee

The application is reported to Development Management Committee as it is related to the Food Enterprise Park, for which South Norfolk Council is currently drafting a Local Development Order within its executive area.

Recommendation summary:

Authorise the Assistant Director of Place to approve the application with conditions, subject to clarification on ecological matters.

**1 Proposal and site context**

- 1.1 The application proposes the installation of a ground mounted solar farm with battery storage and associated infrastructure on agricultural land to the west of the village of Colton. The solar farm will provide power of 30MW from solar panels plus the ability to store and generate up to 30MW of power from a battery energy storage system for a period of 40 years.
- 1.2 The site has a total area of 53.2 hectares and predominantly comprises a number of individual fields with intervening tree belts. Levels decline very gently from north to south with an overall difference of approximately 10m. The western boundary fronts Barnham Broom Road, the northern boundary agricultural land and an irrigation reservoir. Agricultural land is also located to the south. Colton is to the east and a small number of residential properties have boundaries that back onto the site area.
- 1.3 The site is currently accessed via a track from Highhouse Farm Lane to the east and from Barnham Broom Road to the west. The intention is for the site to be accessed from Barnham Broom Road only during the construction phase, which is anticipated to take between 30 and 40 weeks. Decommissioning is anticipated to take up to one year.
- 1.4 The solar panels will be fixed to the ground via metal piles and will be 3m in height. The bottom of the panels will be 0.8m above the ground. As well as the panels, the application also seeks permission for inverter units, transformer units, 16 battery storage containers, site cabinets for security and control systems etc, a substation cabinet, CCTV, a 2m deer fencing around the perimeter of the site and access gates. No external lighting is proposed.
- 1.5 In terms of heights of structures being proposed in addition to the solar arrays:-  
  
 Inverter and transformer units: 3m  
 Battery storage units: 3m

Equipment storage building: 2.9m  
 Substation: 3.5m  
 CCTV poles (including camera): 3m

- 1.6 Cabling to a substation currently under construction on Church Lane in Easton to the east is also included as part of the application. This cable is approximately 3.43 km in length. It exits the solar farm from its northeast corner, travels east along the northern side of a fishing lake towards Highhouse Lane before turning north towards the junction with Norwich Road into the Broadland district where it arcs around the rear of Honingham Thorpe Farm and along the southern boundary of the Food Enterprise Park (FEP) on Church Lane and onwards (and back into the South Norfolk district) towards the substation. A substantial part of this route falls within the Broadland district and on 15 June 2022, Broadland District Council's Planning Committee approved the application for the section of cable that passes through its district (application ref. 20220393). The cable trench will be approximately 0.7m wide and 1m deep.
- 1.7 Proposed ecological enhancements include the creation of new habitats, provision of plots for breeding birds, the installation of bat and bird boxes and planting.
- 1.8 By way of background information, it is intended that the solar farm will provide power to the FEP. The agent has explained that the Food Innovation Centre and Fischer Farm's Vertical Farm (currently under construction) will use all existing available power and that the latest power requirement modelling indicates that the existing supply is insufficient. The solar farm and the electric cable associated with it will meet the power needs of businesses that will occupy the FEP and potentially provide power to homes that benefit from planning permission to the east in Easton.
- 1.9 Prior to the application being submitted, the Council provided a screening opinion as to whether the proposal was EIA development under paragraph 3(a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having regard to the criteria set out in Schedule 3 of those Regulations, the Council adopted the opinion that the proposal was not EIA development.

## 2. Relevant planning history

- |     |           |   |                  |
|-----|-----------|---|------------------|
| 2.1 | 2021/2339 | Screening Opinion for temporary erection of multiple rows of solar PV arrays for a duration of up to 40 years.  | EIA not required |
| 2.2 | 2021/2230 | 132kV substation and associated infrastructure including underground cable between substation and gantry and connection to existing overhead 132kV electricity pylon. | Approved         |

## 3. Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 02 : Achieving sustainable development  
 NPPF 04 : Decision-making  
 NPPF 06 : 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  
 NPPF 17 : Facilitating the sustainable use of minerals

### 3.2 Joint Core Strategy (JCS)

Policy 1 : Addressing climate change and protecting environmental assets  
 Policy 2 : Promoting good design  
 Policy 3: Energy and water  
 Policy 5 : The economy  
 Policy 6 : Access and Transportation  
 Policy 17 : Small rural communities and the countryside

### 3.3 South Norfolk Local Plan Development Management Policies

DM1.1 : Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
 DM1.3 : The sustainable location of new development  
 DM1.4 : Environmental quality and local distinctiveness  
 DM2.1 : Employment and business development  
 DM3.8 : Design principles applying to all development  
 DM3.11 : Road safety and the free flow of traffic  
 DM3.12 : Provision of vehicle parking  
 DM3.13 : Amenity, noise, quality of life  
 DM4.1 : Renewable energy  
 DM4.2 : Sustainable drainage and water management  
 DM4.4 : Natural Environmental assets - designated and locally important open space  
 DM4.5 : Landscape Character Areas and River Valleys  
 DM4.8 : Protection of Trees and Hedgerows  
 DM4.9 : Incorporating landscape into design  
 DM4.10 : Heritage Assets

### 3.4 Supplementary Planning Documents (SPD)

Food Hub SPD

### 3.5 Statutory duties relating to setting of listed buildings:

Section 66(1) 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

#### Marlingford & Colton

Support although have concerns on the impact on the landscape and that the hedging is insufficient for screening the structure.

#### Barnham Broom

Broadly supportive but requested that the following points be noted:-

- The proposed site surrounds a 9 acre reservoir, with an existing water bird population. It is feared that the disorientating effects of the light hitting the solar panels, giving the appearance of a body of water, will result in an increase in bird deaths in the vicinity;

- There are concerns regarding the potential fire risk of a sizeable battery storage facility sited on agricultural land; and
- The fact that the proposed site is on a hillside means that its appearance will be visible throughout the locality, and the installation of a hedge will do little to address this concern.

#### Easton (summarised)

Support. There are numerous public benefits and material considerations in favour of the application. Therefore we believe full planning permission should be approved without delay.

#### Honingham

No comments or objections.

#### 4.2 District Councillor Cllr M Dewsbury

To be reported if appropriate.

#### 4.3 NCC Highway Authority

At present, the proposed access into the site from Barnham Broom Road is narrow. Although the swept path drawings show that an HGV can enter and exit the site, this requires using the whole road and may conflict with other vehicles and likely to result in considerable damage to the verges. A wider entrance is required.

Otherwise, planning conditions recommended for on-site parking for construction workers, the submission of a construction traffic management plan and compliance with that plan.

#### 4.4 Senior Heritage & Design Officer

No objection on heritage grounds. A fairly thorough heritage impact assessment has assessed the proposals in relation to surrounding heritage assets potentially affected. The solar installation will be some distance from any heritage assets and together with additional screening will not result in any adverse harm to their setting or their architectural and historic significance and how it is experienced or appreciated. Any potential impact on the settings and significance of the Church of St. Peter and Paul at Barnham Broom, and St. Andrew's at Colton, have been assessed with the conclusion that due to the significance and nature of the assets affected and how the setting contributes to that significance, the distance between the development and the assets, the presence of intervening vegetation that will be supplemented with additional planting in hedgerow gaps, that there will be no resulting harm to the assets.

#### 4.5 Ecologist & Biodiversity Officer

Overall, the ecology report does not raise any major issues but clarification requested on a series of matters including the scope of the ecology surveys, the District Level Licence, the position of the perimeter fence relative to badger setts and proposed ecological enhancements.

#### 4.6 SNC Landscape Architect

To be report if appropriate.

#### 4.7 SNC Environmental Quality Team

The nearest receptor is 270m away. The predicted noise levels would not pose a risk of nuisance. Therefore, I would not request any conditions relating to noise for this development.

#### 4.8 Lead Local Flood Authority

Advisory comments provided on those matters that the Council should consider as part of the application including whether the site is at risk from flooding, how the site drains, restricting vehicular movements to access tracks, avoiding rutting in the ground during the operational phase and planting across the site.

#### 4.9 NCC Historic Environment Service

An archaeological desk-based assessment and geophysical survey have already been undertaken. These investigations have identified a clear 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.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work. In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction).

#### 4.10 Norfolk Police Architectural Liaison Officer

This proposed layout does show that Crime Prevention Through Environmental Design features have been carefully considered and mostly incorporated into this proposal.

The main entrances include steel gates which will act as a symbolic barrier to the site. The fencing is supposed to be supported by hedging. As hedges can take a while to establish these should be planted at the earliest opportunity.

The use of CCTV to monitor the site is supported. Lighting should also be considered and a lighting plan developed to work with the CCTV.

#### 4.11 Economic Development Officer

No comments received

#### 4.12 NCC Public Rights of Way Officer

No objection in principle as although the Public Right of Way, known as Marlingford Footpath 1 is aligned to the north of the proposed site, it appears to be unaffected by the application.

#### 4.13 NCC Minerals & Waste

No specific comments to make as the site does not fall within an area of any existing mineral site or waste management facility.

#### 4.14 Other representations

One objection received raising concerns over the fire risks associated with the development and the potential for contamination of land and water.

One comment received querying the proximity of a substation to a property boundary, noise levels, whether property boundaries will be affected and access during the construction phase.

### 5 Assessment

#### 5.1 Key considerations

- Principle of development
- Landscape impact
- Use of agricultural land
- Impact on heritage assets
- Highway safety
- Residential amenity
- Ecology
- Economic development

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. This is confirmed in the NPPF.

5.3 The delivery of the solar farm and all renewable energy needs to be considered within the context of the Government's climate change policy. The UK Climate Change Act 2008 set a legal target for greenhouse gas emissions to be 80% lower than 1990 levels by 2050. On 27 June 2019, the Government formally amended that target as follows: *'It is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.'*

5.4 The NPPF and Planning Practice Guidance, provide the national context for considering applications. Paragraph 158 of the NPPF sets out:

*When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

5.5 The Planning Practice Guidance goes on to set out the particular planning considerations which local planning authorities will need to consider. These include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;



- 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.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- impact upon heritage assets, ensuring that they are conserved in a manner appropriate to their significance,
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

- 5.6 In addition to the national policy context, Local Plan Policy DM1.3 criteria 2(c) states that proposals for new development in the countryside will only be granted where specific Development Management Policies allow for it. Policy DM4.1 supports proposals for renewable energy generating development such as solar power. It requires that consideration is given to the effect of the proposal on the character and appearance of the landscape, the effect on designated and undesignated heritage assets and the amenities and living conditions of nearby residents by way of noise, outlook and overbearing effect or unacceptable risk to health or amenity by way of other pollutants such as dust and odour. The policy states that permission will be granted where there are no significant adverse effects or where any adverse effects are outweighed by the benefits. Subject to further consideration being given to those matters, the general principle of development is acceptable in this case.

### **Landscape impact**

- 5.7 The application site falls within the Hingham-Mattishall Plateau Farmland landscape character area as defined within the Council's Landscape Character Assessment. Key characteristics of this area include hedgerows and hedgerow trees, a remote rural character, churches as a feature and flat, plateau landform.
- 5.8 As part of the application, a Landscape and Visual Appraisal (LVA) was submitted and within this, twelve different viewpoints were considered at years one and year ten of the solar farm being operational. Visual impacts were considered to be negligible at seven of those viewpoints and minor adverse at five viewpoints at both years one and ten. At the junction of Barnham Broom Road with Common Road where the site boundary is most open, visual impacts were considered to be major adverse at year one but with the provision of a new section of hedgerow similar to others along Barnham Road, major beneficial at year ten.
- 5.9 The author of the LVA observed that despite being comparatively large, the site benefits from a reasonably high degree of visual enclosure through the presence of existing woodland blocks and well vegetated field boundaries on and close to the site boundary. More open boundaries, such as those adjacent to Barnham Broom Road are to be planted with hedgerows. The availability of public vantage points was deemed to be restricted and where structures would be visible, they would appear as discrete features within the

landscape. The overall magnitude of changes was considered to be low with the development having a limited influence over certain aspects of the local landscape. Impacts were deemed to be minor adverse within 1km of the site boundaries. The site would be contained within existing field boundaries, while the pattern of the existing landscape would be maintained.

- 5.10 I agree with the assessment that has been made. With the exception of a currently open section of part of the western boundary, the site is relatively well contained within the local landscape with no significant or sudden changes in site levels. With planting along the boundary that, in time, will mitigate visual impacts in this area, I am of the view that the solar farm will result in acceptable changes to the character and tranquillity of the local landscape and can be assimilated into it. The character of the local landscape will be largely maintained and would not materially change.
- 5.11 I should also have regard to the potential cumulative impacts of this application alongside other developments. In this case, of particular relevance is planning permission ref. 2020/1316, which was granted in December 2020 for an approximately 1MW solar farm on land to the north of Colton Road in Barnham Broom. This is located approximately 170m from the nearest part of the current application site and is associated with Barnham Broom Hotel although it has not yet been built and no planning conditions have been discharged. Regardless, although the sites are in close proximity to each other, levels along Colton Road the presence of established vegetation restricts shared views. Consequently, I consider that should both proposals be constructed, they can be without having a cumulative significant adverse impact on the surrounding landscape character.
- 5.12 Having regard to the above, including the LVA, the proposed planting the content of the Council's Landscape Character Assessment, the proposal is considered to result in an acceptable proposal in regard to landscape impact. The proposal is therefore considered to conform to the requirements of Policies 1 and 2 of the JCS and Policies DM1.4, DM3.8 and DM4.5 of the SNLP.

### **Loss of agricultural land**

- 5.13 The national Planning Practice Guidance sets out that where a proposal involves greenfield land, as in this case, this should be on poorer quality agricultural land and sets out that planning policies and decisions should take account of the economic and other benefits of the best and most versatile land. Best quality agricultural land is classified as grades 1, 2 and 3a. An assessment of agricultural land quality has been provided with the application and this has confirmed that the proposal will be located on 29.7 hectares of grade 3a land (55% of the site), 22.2 hectares of grade 3b land (41% of the site) and 2.2 hectares of other land (4% of the site).
- 5.14 It is recognised that over half of the application site is grade 3a agricultural land. The applicant has explained that the main locational driver for the project was the proximity to the FEP and the power generated by the solar farm will serve that site. Other options have been considered, included roof top panels and non-renewable sources of energy but in terms of the amount of power required and achieving climate change objectives, the use of agricultural land was deemed to be necessary. The solar farm is not intended to be a permanent feature, thus the works are reversible, and agricultural activities can continue on the site, albeit in the form of pastoral activity such as sheep grazing rather than the current arable crop production. Overall, in having regard to the above, I am satisfied that that the use of grade 3a agricultural land as part of this application can be justified.

**Impact on heritage assets**

- 5.15 The Grade II\* listed Church of St. Andrew in Colton is located approximately 300m to the east of the site and the Grade II listed Church of St. Andrew in Barnham Broom is located approximately 1 mile to south-south-west. In commenting on the application, Council's Senior Design and Heritage Officer noted that in view of the separation between the site and those buildings along with the presence of intervening vegetation that will be supplemented with further hedgerow planting, the development will not result in any adverse harm to their setting or their historical or architectural significance. In terms of the impacts on those listed buildings then, the application complies with Policy 1 of the JCS and Policy DM4.10 of the SNLP. Regard has also been given to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act in reaching this view.
- 5.16 In terms of archaeology, the Historic Environment Statement has advised that the site has potential for previously unidentified heritage assets of archaeological interest. With that in mind, it has recommended the use of a planning condition to require trial trenching to be carried out to determine the scope and extent of any further mitigatory work that may be required. Such a condition would allow the application to comply with paragraph 205 of the NPPF, Policy 1 of the JCS and Policy DM4.10 of the SNLP.

**Highway safety**

- 5.17 As already mentioned, access to the site will be the existing access from Barnham Broom Road to the west. During the construction and operational phases, it is intended that access will be from the A47 to the north, then via Mattishall Road then Barnham Broom Road. No construction traffic is intended to pass through Colton, Marlingford, Barnham Broom or Easton. The construction phase is anticipated to take between 30 and 40 weeks with an average of 3 to 5 deliveries a day with an upper estimate of 12 deliveries a day at the peak of the construction period.
- 5.18 The Highway Authority has queried the specification of the access for HGVs and the agent is currently considering this. Members will be updated on this in due course. Otherwise, appropriately worded planning conditions have been recommended in relation to providing on site car parking for construction workers and for the submission of details of a construction traffic management plan, which will ensure compliance with Policy DM3.11 of the SNLP.

**Residential amenity**

- 5.19 The nearest properties to the site are to the east: Colton Grange and Twin Barns off Highhouse Lane in Colton. Land under the ownership of Twin Barns extends to the site boundary with the application site while the dwelling itself will be approximately 135m from the boundary. Noise will emanate from structures on the site, including 16 battery storage containers and 6 inverter cabins. The battery storage containers will be located relatively centrally along the northern boundary and approximately 300m from the boundary with Twin Barns. The inverter cabins are spread throughout the site with the nearest one to the boundary with Twin Barns being approximately 130m away with the dwelling being further away. A Noise Assessment was submitted with the application and having considered this, the Environmental Management Officer considered that predicted noise levels would not pose a risk of nuisance.
- 5.20 In all other respects, the structures associated with the application are considered to be sufficiently distant from residential properties for them not to be overbearing or otherwise unneighbourly and combined with predicted noise levels and the proposed access route to the site, the application is considered to have acceptable impacts on residential amenity and complies with Policy DM3.13 of the SNLP.

- 5.21 Glint and glare. Solar farms can also result in glint and glare from the panels which impacts the amenity of neighbouring residential dwellings. The applicant has given consideration to this and also to other ground and aviation receptors. His assessment concluded that potential impacts will be mitigated by the distance of the solar arrays in relation to neighbouring properties and other potential receptors along with ground based vegetation cover and planting that is proposed for the western boundary with Barnham Broom Road and the northern boundary. A condition is proposed for use regarding planting at the site but otherwise, the assessment provided appears reasonable and sufficient for me to agree that potential impacts arising from glint and glare will be minimal.

### **Ecology**

- 5.22 A Preliminary Ecological Appraisal (PEA), Great Crested Newt eDNA Report and Badger Survey Report were submitted with the application. The PEA confirmed that the site is not subject to any statutory or non-statutory designations and that there are none bordering or adjacent to it. The site is predominantly arable farmland but a number of trees and hedges line its edges and ponds and drainage ditches are located close by. Suitable habitats were assessed as being present for Great Crested Newts, breeding birds, bats, badgers, hedgehogs and reptiles as well as being part of a wider ecological network providing wildlife corridors for mobile species. A series of mitigation measures have been recommended during the construction phase to avoid impacts on those species and enhancements recommended include the provision of bat and bird boxes, planting and the provision of wildlife friendly pathways. In respect of Great Crested Newts, the applicant proposes to follow the District Level Licensing route.
- 5.23 A Biodiversity Net Gain Assessment was also submitted. This calculated a total net enhancement in habitat of 81.9% and 5.7% for trees and hedges.
- 5.24 Having reviewed the application, the Council's Ecology & Biodiversity Officer confirmed that although the submitted information did not raise any major issues, clarification was required on a number of areas before the application can be determined. These are set out in paragraph 4.5 of this report. The applicant is currently considering these comments and if possible, Members will be updated prior to or at Committee. In the meantime, my recommendation reflects the outstanding nature of ecology related matters.

### **Trees and Hedgerows**

- 5.25 As part of the application, an Arboricultural Impact Assessment was submitted. This stated that no tree removals are required to facilitate the construction of the solar farm. In respect of the cable route, plans of the first part of the route as it leaves the solar farm showing tree protection measures alongside the fishing lake have been provided. No trees are shown as being requiring removal but in the event that any are, they will be replaced on a one for one basis. The cable will be provided behind the hedge that runs alongside Church Lane. Ensuring that the works take place in accordance with the details shown in the Arboricultural Impact Assessment can be secured via an appropriately worded planning condition as can planting. These will contribute towards the application complying with Policy DM4.8 of the SNLP.

### **Drainage**

- 5.26 The application site is located within fluvial flood zone 1. In regard to surface water flood risk there are limited slivers of land adjacent to one of the tree belts and to the east of the irrigation reservoir at low risk from surface water flooding. The solar panels will be mounted on frames that are pile driven, which will retain the natural ground surface below the panels and means that there is only a slight reduction in the amount of permeable ground. The access and construction compound will be constructed of permeable materials at ground level. The cable will be buried underground and covered with soil with the exception of where it passes underneath the public highway.

- 5.27 As it does now, surface water will infiltrate into the ground with any excess discharging into boundary ditches. Although the LLFA has provided advisory comments on the application, it has not objected. Given the limited area of impermeable fixtures from the substation, inverters and battery storage cabins for example, that most surfaces within the site will remain permeable and when having regard to the flood risk associated with the site, it is considered that the retention of the existing surface water drainage is acceptable and that the application complies with Policy DM4.2 of the SNLP.

### **Economic development**

- 5.28 The application is linked to the future development of the FEP and will provide power to and support the growth of that site and the agri-tech and food-related employment opportunities associated with it. At present, there is not enough power to support that growth and with renewable energy, this application will be in the spirit of Policy 5 of the JCS and Policy DM2.1, which seeks to develop the economy in a sustainable way to support jobs and economic growth.

### **Other Issues**

- 5.29 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. 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).
- 5.30 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.
- 5.31 This application is not liable for Community Infrastructure Levy.

### **Conclusion**

- 5.32 This development will make a positive contribution towards achieving green energy targets, tackling the challenges of climate change, lessening dependency on fossil fuels and benefit from energy security while supporting the growth and power requirements of the FEP. It is recognised that over half of the site is grade 3a agricultural land but when considering the positive contribution that the proposal could make towards the local and regional economy, that the visual impacts within the local landscape will be relatively limited, that there will be no significant adverse impacts on heritage assets and residential amenity, on balance and subject to no adverse comments being received on matters relating to ecology and the proposed vehicular access, the application is considered to represent an acceptable form of development that complies with relevant policies of the development plan.

- Recommendation : Authorise the Assistant Director of Place to approve the application with conditions subject to no adverse comments being received from the Highway Authority and Ecology & Biodiversity Officer:
- 1 Time Limit – temporary permission with operational consent for 40 years
  - 2 Submitted drawings
  - 3 Decommissioning
  - 4 On-site parking for construction workers
  - 5 Construction Traffic Management Plan
  - 6 Compliance with the construction traffic management plan for the duration of the construction period
  - 7 In accordance with Arboricultural Impact Assessment
  - 8 Landscaping Scheme
  - 9 Archaeology
  - 10 Any further reasonable and necessary conditions recommended by the Highway Authority
  - 11 Any reasonable and necessary conditions recommended by the Ecology & Biodiversity Officer

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Other Applications

Applications 8 & 9

2021/0740 and 2021/0741

Print Date: 20/06/2022



Scale 1:1,250

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South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

**8. Application No : 2021/0740/F**  
**Parish : COSTESSEY**

Applicant's Name: Mr & Mrs Trivedi  
Site Address Church Barn, The Street, Costessey, Norfolk NR8 5DG  
Proposal New boundary treatment between The Church of St Edmund & Church Barn including retention of existing timber sleeper fence/retaining wall and close boarded fence.

Recommendation summary:

Approval with Conditions

**9. Application No : 2021/0741/LB**  
**Parish : COSTESSEY**

Applicant's Name: Mr & Mrs Trivedi  
Site Address Church Barn, The Street, Costessey, Norfolk NR8 5DG  
Proposal New boundary treatment between The Church of St Edmund & Church Barn including retention of existing timber sleeper fence/retaining wall and close boarded fence.

Recommendation summary:

Approval with Conditions

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.

**1 Proposal and site context**

- 1.1 The proposal is for new boundary treatment between the dwelling at Church Barn and the churchyard of St. Edmund's Church immediately to the south. This is to provide a greater degree of privacy for both Church Barn and those using the churchyard.
- 1.2 The application has been submitted following the erection of a close boarded timber fence within the churchyard.
- 1.3 Church Barn is a late 17<sup>th</sup> century timber frame grade II listed building with a timber boarded finish and clay pantile roof and has recently been converted to a dwelling. Its site is approximately 85m to the north of the development boundary that has been defined for Costessey and is within the Costessey Conservation Area. The southern boundary of the property extends down to the River Wensum where it touches on to the boundary of an SSSI centred around the river Wensum. There is an immediate neighbouring dwelling to the north side.
- 1.4 St. Edmund's Church is Grade I listed and within a traditional churchyard setting, the earliest parts of the building dating from the 13<sup>th</sup> century.
- 1.5 There is an existing 19<sup>th</sup> century or later red brick wall at the boundary between the two sites. Viewed from within the churchyard this comprises a higher section of wall around 1.3 m which is attached to the barn and then a lower section approximately 0.9m which runs towards the rear of the churchyard. As the wall formed the boundary of the churchyard when the church was listed it is covered by this same listing although is not of sufficient quality and age to be listed in its own right. Part of the lower section has been damaged

- 1.6 and needs some minor rebuilding. The taller section of wall originally formed part of an outbuilding demolished many years ago.
- 1.7 There is no evidence currently on the site of any earlier flint/brick retaining wall between the two sites. It is understood from discussions with the Church Warden that a surviving part of a wall and railing structure did survive within overgrown vegetation prior to works to install the new retaining wall commenced. It seems this structure was not complete. The surviving wall/railing structure only went as far as the neighbour's boundary at the rear of the church yard and did not extend further down to the river.
- 1.8 Beyond the wall and extending further into the site, some ground works have been carried out to allow for a new retaining wall which has been constructed using railway sleepers and metal posts.
- 1.9 The original submission was to replace an existing unauthorised close-boarded fence erected within the churchyard in 2019, with a revised scheme that retained the timber posts at 1.8m intervals, joining them with metal wire in front of which a Yew hedge would be planted. This proposal was not acceptable due to legal issues regarding access on to the church land for maintenance of the new hedge, considered necessary to limit the impact of the post and wire fence on the setting of the church.
- 1.10 Following discussions with both the applicant and Historic England the proposal has been amended to the current proposal which removes the boarded fencing from churchyard but keeping it where it is fixed the barn and provides new timber boarding attached to the existing wall at the Church Barn side. This will appear as vertical boarding from the churchyard and horizontal boarding at the barn side. Repairs are to be carried out to the existing lower section of the red brick wall prior to the fixing of the boarding which will be partly visible above the wall when viewed from the churchyard. The amended proposal also includes retention of the new railway sleeper retaining wall, which should have been included in the original submission.

## 2. Relevant planning history

2.1	2018/1945	Conversion of Barn to Residential C3	Approved
2.2	2018/1946	Conversion of Barn to Residential C3	Approved
2.3	2018/2552	Discharge of condition 4 - repairs to the timber frame of the barn of permission 2018/1945	Approved
2.4	2019/0382	Conversion of outbuilding and erection of attached open garage.	Approved
2.5	2019/0966	Discharge of conditions 3 following 2018/1945 - external materials	Approved
2.6	2019/1955	Variation of condition 2 of 2019/0382 - to make provision for photo voltaic roof panels and air-source heating	Approved
2.7	2020/0450	Discharge of condition 5 from 2018/1945 - Hard surfacing materials and means of enclosure.	Approved

- |     |           |  |          |
|-----|-----------|--|----------|
| 2.8 | 2020/1180 | Outside Swimming Pool and Air-source Heat Pump | Approved |
| 2.9 | 2020/1181 | Outside Swimming Pool and Air-source Heat Pump | Approved |

### 3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 12 : Achieving well-designed places  
 NPPF 16 : Conserving and enhancing the historic environment

- 3.2 Joint Core Strategy (JCS)  
 Policy 2 : Promoting good design

- 3.3 South Norfolk Local Plan Development Management Policies Document  
 DM3.8 : Design Principles applying to all development  
 DM3.13 : Amenity, noise, quality of life  
 DM3.14 : Pollution, health & safety  
 DM4.10 : Heritage Assets

### 3.4 **Statutory duties relating to Listed Buildings, setting of Listed Buildings and Conservation Areas:**

S16(2) and S66(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.

S72 of the same Act 1990 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."

### 4. Consultations

#### First Consultation

- 4.1 Costessely Town Council

It was noted that St Edmund's Church is a Grade I listed building and that English Heritage and the Conservation Officer have been involved. The proposed Yew hedge would end up being placed within the churchyard, rather than on the boundary.

- 4.2 District Councillor

No comments received

- 4.3 Historic England

If the boarded fence is proposed for the majority of the churchyard boundary (as under the previous application), we would maintain our objection due to the harmful impact on the significance of the listed building. However, we would be content to defer to the Council to determine the application if a hedge is proposed as on the submitted plan.

## 4.4 Historic Environment Service

No known archaeological implications

Other Representations

Three objections received:

- The new hedging in front of the existing brick boundary wall would take up more area in the churchyard and is unnecessary as the height and condition of most of the wall is satisfactory and meets all the requirements listed in the planning application for the new fence. The exception is a few feet of wall to the West of the boundary which has been lowered as a result of tree damage and needs repair. Once repaired to the standard of the bulk of the wall the issues raised regarding security and privacy would be resolved. The need for new fencing/hedging would not be necessary. We have also had advice from the Diocesan Registrar - that any new boundary structure replacing the fence should be erected entirely on the existing boundary line or on Mr Trivedi's side of the boundary NOT on the church side of the boundary wall.
- The purpose of the Norfolk red brick boundary wall was to retain the consecrated ground of the church yard. 57m of Grade I listed wall has been replaced with sub-standard wall using potentially toxic, railway sleepers. Over time the timber sleepers would collapse, allowing the grave to wash out and spill out soil and including possibly the remains of the deceased into the significantly lower level of the neighbouring property; the proposed treatment of the remaining sections would structurally weaken the existing wall as the wind loading on a timber fence could result in the remaining listed wall being pulled over; planting a live hedge beside the wall would eventually undermine the integrity of the wall, leading it to collapse; that the correct decision would be to repair the existing grade I listed wall to its original height 900mm above church graveyard's ground level, with old red brick. However, this should be the decision of the Heritage Officer, who is better placed to make and enforce any decision.
- Timber fence spoils intrinsic value of the area and erected on land that belongs to St Edmund's Church and on the wrong side of the existing wall. Wall is grade I listed and therefore should be repaired/replace with fence removed.

Second Consultation – Amended Proposal

## 4.5 Costessey Town Council

Cllrs expressed concerns that the integrity of the graveyard and the dignity of those buried there had been compromised, as it appeared that the Developer had removed the existing Grade I churchyard curtilage brick wall, replacing it with old sleepers on the boundary and also with a close board fence, which was unacceptable to the Heritage Officer, and with a hedge - both actually within the curtilage of the churchyard. Old sleepers would contain toxic chemicals, which could leach out and possibly poison the hedge.

Parish Council broadly supports reasons for objection as put forward by the immediate neighbour in response to the first consultation (see their comment above).

4.6 District Councillor  
Cllr S Blundell

Applications to be put before Development Management Committee on the grounds of materials used in this application. The modern-day sleepers are not appropriate and



are totally out of character for a conservation area and therefore a new wall should be built. St Edmunds Church is a grade I listed building, which included the wall.

#### 4.7 Historic England

The proposal to repair and rebuild the boundary wall is welcome as this is by far the most suitable form of boundary treatment for the churchyard. The use of boarded panels and railway sleepers as the retaining structure on the north side (facing the converted barn) is not ideal, but providing it is not prominent in views from the churchyard I would agree this is an acceptable alternative to the original proposal. I am very much of the view that the best outcome would be to have the brick wall stand to the full height all along the boundary but would not wish to object to this amendment and am content for the Council to determine the applications.

#### 4.8 Norfolk Wildlife Trust

No comments received

#### 4.9 Ecologist

No comments received

#### 4.10 Natural England

No comments received

#### 4.11 Other Representations

Local resident and neighbour objections – Drawing perhaps not accurate with regard to height of existing wall and proposed finished wall with vertical boarding. Grade I listed wall has been demolished to build wall with railway sleepers; application should be resubmitted with accurate drawings; proposal is still on church land; some works have already been carried out to the existing wall to a poor standard.

Church PCC – Boarded fence fixed to barn is on church land; sleepers could be more evenly stepped; complete brick wall rather than using boarding would last longer.

### 5 Assessment

#### Key considerations

#### 5.1 Design, heritage assets and pollution, health & safety

##### Principle

- 5.2 The principle of carrying out alterations to a listed building or curtilage listed building or structure is acceptable under policies in the National Planning Policy Framework (NPPF) and Development Management Local Plan Policies regarding design and heritage assets subject to an assessment of the impact of proposals on the special interest of the listed building and/or its setting.

#### **Design & Heritage Assets**

- 5.3 The key considerations under this section here are the removal of historic fabric to make way for the new railway sleeper retaining wall; the impact of the sleeper retaining wall and proposed alterations to the existing brick wall on the setting of both the grade I listed St Edmunds Church and grade II listed Church Barn.



- 5.4 There is no surviving evidence on the site or in any historic photographs or documentation indicating exactly what survived of the wall with railing towards the rear of the churchyard where the railway sleeper retaining wall now stands. Whatever remained seems not to have been a complete structure and was hidden by overgrown vegetation/trees. Therefore, to what degree there was anything visible and the contribution it made to the significance of the churchyard cannot be quantified. With this in mind it is considered reasonable to take into consideration an alternative boundary treatment providing that is sufficiently sympathetic so as not to cause harm to the church yard setting.
- 5.5 Certainly, the railway sleeper retaining wall is not characteristic feature of historic churchyards. However, from the churchyard side it is visible more towards the rear, where the land slopes downward and being at a relatively low height and constructed in timber with a dark colour finish, it is considered not so noticeable so as to detract from the historic character of the churchyard setting. The tops of the steel posts do however need to be cut so that they sit just below the top of the railway sleeper and this can be dealt with by condition. The low height of the retaining wall helps retain the more distant attractive views of the countryside beyond the churchyard
- 5.6 With regard to the existing lower red brick wall section, the applicant wishes to raise the height of this to provide a greater degree of privacy. The brick wall always had this lower section and the boarding will bring it up to the height of the taller section of brick wall attached to Church Barn. Looking from the barn side the brick wall has suffered some deterioration and much of it would probably have to be removed in order to provide a sufficiently strong wall in order to increase its height to match the tallest part of the existing wall.
- 5.7 A solid brick wall at the same height along the boundary could be a better more sympathetic solution as has been pointed out by Historic England. However, as the principle of amending the existing arrangement is not unacceptable, what also has to be considered here is whether the proposed new timber boarding is sufficiently unsympathetic to be refusable.
- 5.8 The existing red brick wall, although curtilage listed, does not represent important historic fabric on the church site and has a soldier course coping detail that is most likely a 20<sup>th</sup> century detail. The proposed part timber boarded boundary treatment using the existing red brick does provide a less typical appearance for a churchyard, but it still provides a sympathetic design using traditional materials when viewed from the churchyard side and is considered sufficiently plain and at an appropriate scale so as not to cause harm the setting of the church.
- 5.9 From the Church Barn side, the horizontal boarding is in some ways less traditional and more contemporary compared with the existing brick finish but its rather more modern design using a traditional material, when seen in the context of the existing barn conversion, should allow it to sit comfortably on the site. This finish will not impact on the more important views of the church site which are from the road and from within the churchyard and wider landscape.
- 5.10 For the reasons explained above, in light of the requirements of sections 16, 66 and 72 of the Act it is considered that the proposal is sufficiently sympathetic so as not to harm heritage assets and therefore it accords with national and local plan policies regarding design and heritage assets

### **Neighbour Amenity**

- 5.11 No neighbour objections have been received on the grounds of negative impact on neighbour amenity. Due to the location, scale and nature of the works, it is considered that the proposal will not result in any unacceptable level of harm to neighbour amenity and therefore it accords with policy DM3.13 of the Local Plan 2015.

**Pollution, health and safety**

- 5.12 The use of railways sleepers has been discussed with the Environmental Protection Officer. They have advised that due to the low-level amount of any harmful toxins that might be in the railways sleepers and time it would take for these to be passed into the surrounding ground, there is no unacceptable level of risk to anyone using the churchyard or Church Barn site. Railway sleepers are used as boundaries/walls in many domestic gardens. It is therefore considered that the proposal accords with policy DM3.14 of the Local Plan 2015.

**Other issues**

- 5.13 The digging up of human remains has been mentioned in objection to the proposal. In planning terms no formal permission was required for the removal soil from the applicant's side and this may have included some human remains due to the close proximity of the churchyard. However, the removal of human remains is covered under legislation separate to planning. It is understood that the police have been informed about this and that the matter has not been taken any further.
- 5.14 It has been mentioned that some work has been carried out to the existing wall to a poor standard. A condition is to be included to ensure the new work is a good match to the original brick wall.
- 5.15 The completed and proposed works are some distance away from the boundary of the SSSI and due to the nature and scale of the proposal it is considered that there is no significant risk to important and protected wildlife/ecology.
- 5.16 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 and 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 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. The 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).
- 5.17 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.
- 5.18 This application is / is not liable for Community Infrastructure Levy (CIL) [This application is liable for CIL under the Regulations, however, Cabinet resolved on 7/12/2015 to no longer apply CIL to domestic extensions]

**Conclusion**

- 5.19 Whilst this proposal creates a boundary structure that provides a different appearance to what was previously in place, for the reasons explained above it is considered that it will

not result in harm heritage assets or result in any significant harm to wildlife and the ecology of the area. It therefore accords with the above policies and it is recommended to the Development Management Committee that the applications be approved.

Recommendation : Approval with Conditions  
2021/0740

- 1 Full Planning permission time limit
- 2 In accordance with submitted details
- 3 Sleeper wall metal posts

Recommendation : Approval with Conditions  
2021/0741

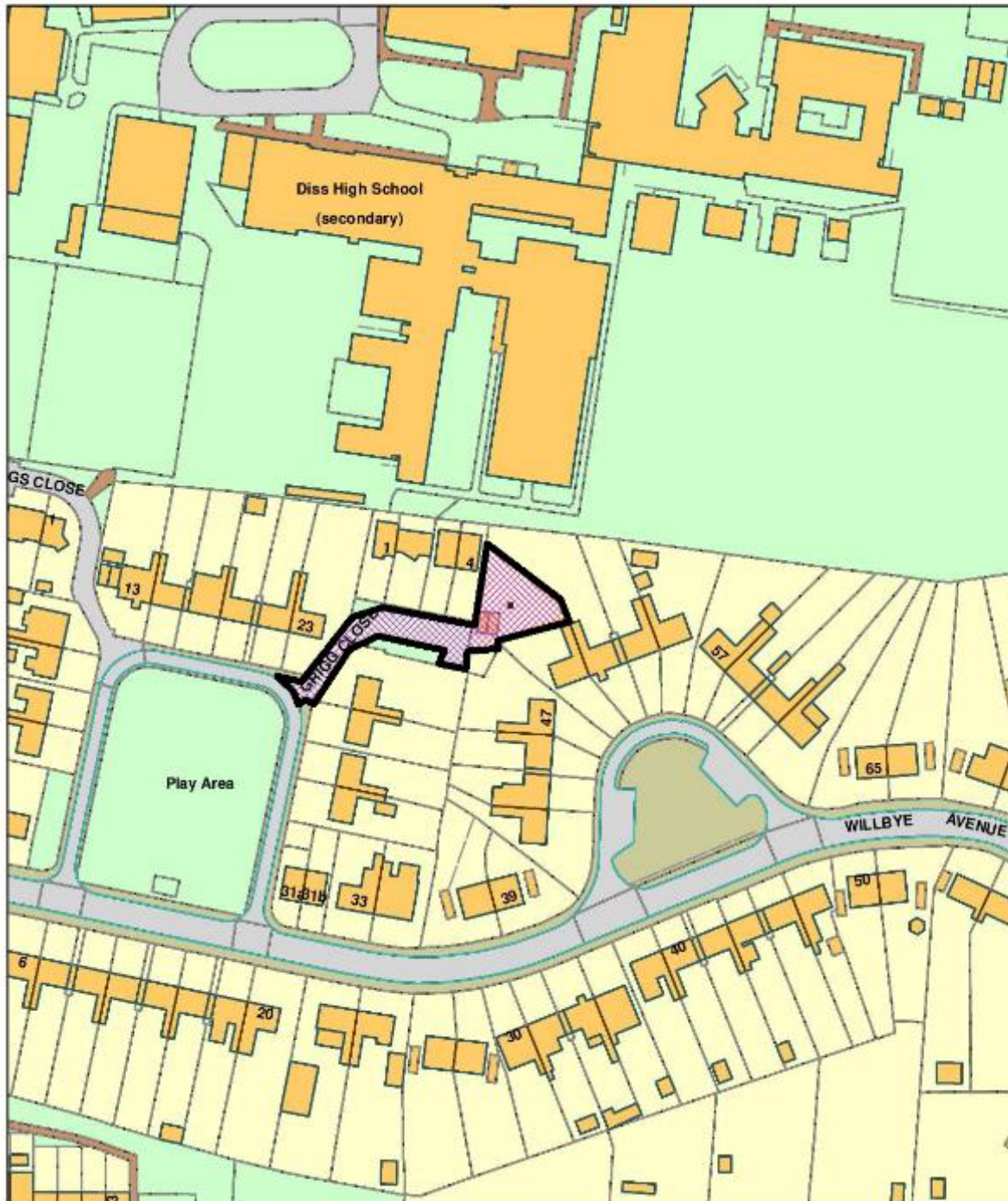
- 1 Listed building time limit
- 2 In accordance with submitted details
- 3 Matching materials and finish

Contact Officer Philip Whitehead  
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Deferred

Application 10

2021/1149



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South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

**10. Application No : 2021/1149/O**  
**Parish : DISS**

Applicant's Name: Ms Joni Swain  
 Site Address Land to the East of 4 Grigg Close Diss Norfolk  
 Proposal Outline planning application for a single storey dwelling with associated landscaping and parking

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 :

Approval with Conditions

1 Proposal and site context

1.1 The proposal involves the subdivision of the garden of 49 Willbye Avenue to create a single storey dwelling which would front on to, and be accessed from, Grigg Close. Grigg Close is a small cul-de-sac that has been developed by Saffron Housing Trust following planning permission granted in 2012 (ref: 2012/1951). It is accessed off a square on Willbye Avenue which consists of mid-twentieth century semi-detached and terraced properties in generous plots.

1.2 The application is outline, with all matters reserved other than access.

2. Relevant planning history

2.1	2012/1951	Creation of eight new dwellings – four dwellings on the west of Willbye Avenue and four dwellings on the east of Wilbye Avenue	Approved with conditions
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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 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 Joint Core Strategy (JCS)  
 Policy 1: Addressing climate change and protecting environmental assets  
 Policy 2: Promoting good design  
 Policy 3: Energy and water  
 Policy 4: Housing delivery  
 Policy 13: Main Towns  
 Policy 20: Implementation

3.3 South Norfolk Local Plan Development Management Policies  
 DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
 DM1.3: The sustainable location of new development

DM3.5: Replacement dwellings and additional dwellings on sub-divided plots within Development Boundaries

DM3.8: Design Principles applying to all development

DM3.11: Road safety and the free flow of traffic

DM3.12: Provision of vehicle parking

DM3.13: Amenity, noise, quality of life

DM4.2: Sustainable drainage and water management

DM4.8: Protection of Trees and Hedgerows

#### 4. Consultations

##### 4.1 Diss Town Council

###### Refuse

- Excessive scale and mass of the proposal in such a prominent location within the site as so close to the boundary and amenity space of No4 Grigg Close
- Development would be overbearing, having an adverse impact on the character of the existing dwellings and the street scene
- Contrary to policies DM3.4, DM3.5, DM3.8, and DM3.13 of the Local Plan

##### 4.2 District Councillor Cllr Graham Minshull

Given the issues with displaced parking and the sensitivity of Grigg Close are minded to approve then I would like this application to be considered by committee

##### 4.3 NCC Highways

Conditional support following amendments to scheme

##### 4.4 SNC Water Management Officer

No comments received

##### 4.5 Saffron Housing Trust

Comments made in regard to withdrawn proposal to use existing parking spaces owned by Saffron Housing Trust

##### 4.6 Other Representations

Two letters of objection received raising the following issues:

- Detrimental effect on our neighbouring property causing overshadowing leading to a loss of natural light
- Parking spaces may become a premium if they use the Saffron parking spaces
- The access to Grigg Close is adjacent to a children's play area

#### 5 Assessment

##### Key considerations

- 5.1 The key considerations are the principle of development including the impact of the proposed dwelling on its surroundings, residential amenity, access and parking, flood risk and drainage.



### Principle

- 5.2 The site is within the development boundary for Diss. Policy DM3.5 allows additional dwellings on sub-divided plots within development boundaries where they incorporate good quality design which maintains or enhances the character and appearance of existing buildings, street scene and surroundings, and does not have an unacceptable impact on the amenities of neighbouring occupiers. Proposals must also provide and maintain adequate private amenity and utility space, adequate access and parking and adequate levels of amenity.
- 5.3 Concerns have been raised about whether the plot is large enough to accommodate a dwelling with adequate parking and amenity space and whether it constitutes overdevelopment. However the adjoining development on Grigg Close consists of single storey properties with some first floor accommodation within the roof space. It is this development that the proposed new dwelling would be read in and not the lower density development of Willbye Avenue. The wider area also has a number of pockets of higher density development that have been constructed as a result of small infill development with similar plot sizes to that proposed for the new dwelling. Given the requirements of section 11 of the NPPF to make effective use of land and the sustainable location of the site within Diss relatively close to the town centre, it is considered on balance that the proposal is acceptable and would not conflict with the character of the existing street scene or surroundings, although it is considered appropriate to remove permitted development rights to ensure control over future extensions and outbuildings to ensure that the site is not overdeveloped in the future.
- 5.4 In terms of the garden space retained for 49 Willbye Avenue, this will clearly be considerably reduced from the generous garden space currently provided. However there will still be amenity space comparable to the plots on Grigg Lane whilst the more limited rear garden space to this property will not be particularly apparent in the street scene of Willbye Avenue.
- 5.5 As such, it is therefore considered that a dwelling can be accommodated on the site in accordance with policy DM3.5 in terms of its impact on the street scene and surroundings. The detail of the design of the dwelling itself would be for consideration at the reserved matters stage.

### **Residential Amenity**

- 5.6 Given the proximity of the neighbouring properties it is necessary to demonstrate at least indicatively that a dwelling can be accommodated within the site without having an unacceptable impact on neighbouring properties. The proposed dwelling was initially proposed to be a one and a half storey dwelling. However creating first floor accommodation would be highly likely to result in unacceptable overlooking of neighbouring properties. As such the scheme has been revised to be a small single storey property to remove any overlooking from first floor and to reduce the scale of the property.
- 5.7 Final details to ensure that the development does not result in harm to neighbouring properties would be agreed at the reserved matters stage, however it is considered that the revised indicative plan shows that with a single storey property this should be achievable. As such, the development is considered to accord with policy DM3.13 of the Local Plan with a condition to ensure the dwelling is single storey.

### **Access and Parking**

- 5.8 The application originally proposed to use some of the parking spaces allocated for the properties on Grigg Close, with a parking survey subsequently submitted to demonstrate that there was little existing use of the parking spaces. However the applicant subsequently decided not to pursue negotiations with Saffron Housing Trust, who own the

parking spaces, and the application was amended to expand the plot slightly to provide parking spaces within the plot. Norfolk County Council's Highways Officer has no objection to this access arrangement or the level of parking provided.

- 5.9 The proposal is therefore considered to accord with policies DM3.11 and DM3.12 of the Local Plan at this stage.

### **Flood Risk and Drainage**

- 5.10 The site is within Flood Zone 1 and therefore not at risk from fluvial flooding, nor is there any identified risk of surface water flooding on the site.
- 5.11 Surface water drainage is to be a soakaway which is acceptable, whilst foul drainage should be to the mains sewer and a condition is proposed to secure this. As such the proposal is considered to accord with policy DM4.2 of the Local Plan.

### **Nutrient Neutrality**

- 5.12 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 proposal will result in additional overnight accommodation, however it is located outside the catchment areas of the River Wensum Special Area of Conservation and the Broads Special Area of Conservation and Ramsar site, and does not involve foul or surface water drainage into those catchment areas. As such, it 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).

### **Other Issues**

- 5.13 The site includes a tree on the northern boundary which is to be retained. An arboricultural assessment was provided which includes a tree protection plan to enable its retention and ensure it is protected during the construction phase. Conditions are proposed to secure this.
- 5.14 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.
- 5.15 This application is liable for Community Infrastructure Levy (CIL), which would be calculated at the reserved matters stage.

### **Conclusion**

- 5.16 The revised indicative plan has demonstrated that a dwelling can be accommodated on the site with adequate parking and amenity space and without having an adverse impact on the street scene or neighbouring properties.

Recommendation :      Approval with Conditions

- 1 Time Limit - Outline Permission
- 2 Reserved matters
- 3 Single storey only
- 4 No PD for Classes ABC&E
- 5 Provision of parking area
- 6 Foul drainage to mains sewer
- 7 Water efficiency
- 8 Tree Protection

Contact Officer	Tim Barker
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Application 11

2021/2637



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South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

**11. Application No: 2021/2637**  
**Parish: HEMPSTALL**

Applicant's Name: Mr & Mrs Joesbury  
 Site Address: 2 Freemasons Cottage, Mill Road, Hempnall, NR15 2LP  
 Proposal: Two storey side and rear extension with external and internal alterations.

Reason for reporting to committee

The Local Member has requested that the application be determined by the 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 site is a semi-detached two storey dwelling that has a flat roof two storey and pitched roof single storey extension to the rear. The building is likely to date from the mid C19 and is an elegant and prominent Georgian style building very visible on the approach road into Hempnall from the East. Due to its age and architectural characteristics the heritage and design officer suggested that it is considered to be a non-designated heritage asset.
- 1.2 The proposal is for a two-storey rear extension that also extends to the side (north west). Revised plans were submitted following concerns being raised about the initial scheme which removed the proposed roof terrace on the boundary, changed the proposed materials and introduced some fenestration to the side elevation.

**2** Relevant planning history

2.1	1975/1115	Extension to house	Approved
2.2	1987/1459	Extension and alterations	Approved
2.3	1997/1610	Retention of boundary wall & piers	Approved
2.4	1999/0897	Single storey rear extension to dwelling	Approved

**3** Planning Policies

- 3.1 National Planning Policy Framework (NPPF)  
 NPPF 12 : Achieving well-designed places  
 NPPF 16 : Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS)  
 Policy 2 : Promoting good design
- 3.3 South Norfolk Local Plan Development Management Development Plan Document (DM DPD) 2015  
 Policy DM3.6: House extensions and replacement dwellings in the countryside  
 Policy DM3.8: Design Principles  
 Policy DM3.12: Provision of vehicle parking  
 Policy DM3.13: Amenity, noise and quality of life  
 Policy DM4.10: Heritage assets

#### 4 Consultations (to original proposal)

##### 4.1 Hempnall Parish Council

Recommend approval

##### 4.2 District Councillor Michael Edney

No comments received

##### 4.3 Heritage and Design

It will be a very dominant and unsympathetic extension which will detract from views of the house and how it is viewed in terms of the rural character of the neighbouring area. I therefore consider that the extension is harmful and does not meet the consideration of policy DM 3.6 (a) that "*The design and scale of the resultant development must be compatible to the area's character and appearance, and the landscape setting*".

##### 4.4 Other Representations

Two letters of objection received raising the following concerns (summarised):

- Incorrect boundary shown on plans
- Overlooking, loss of privacy and disturbance from roof terrace
- Size, scale, bulk and proximity is overbearing and will dominate neighbour garden.
- Use of grey metal cladding is not sympathetic to the surroundings.

##### Re consultation

##### 4.5 Hempnall Parish Council

No comment received

##### 4.6 District Councillor Michael Edney

If the council are minded to approve this application then I request the decision is made by the committee. My reasons are its scale and mass and the impact it has on the house and its surrounding.

##### 4.7 Heritage and design

Given the amendments made no objections are raised.

##### 4.8 Other representations

Three letters of objection received raising the following concerns (summarised):

- Adverse impact on the quality of the area
- Contemporary windows and variety of materials and surfaces clash with the traditional brick and slate construction.
- Out of scale with the existing dwelling
- Would detract from the character of the existing pair of semi-detached properties
- Protrusion to the side destroys the current visually attractive frontage
- Painting of bricks to side elevation will compromise the character
- Not clear what will happen to the single storey extension wall on the boundary.
- Will be overbearing and dominant
- Overlooking
- Increase in footprint of approximately 39% and gross floor area by 42%



- Harm to a non-designated heritage asset.

## 5 Assessment

### Key Considerations

#### 5.1 The key considerations are:

- Principle of development
- Design, impact on character and appearance of the area and non-designated heritage asset
- Impact on neighbour amenity
- Parking

### Principle

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

#### 5.3 Policy DM3.6 supports extensions to existing lawful dwellings providing that the design and scale of development is compatible with the area's character and appearance and that it complies with other relevant policies. The principle of development is therefore acceptable.

### **Design, impact on character and appearance of the area and non-designated heritage asset**

#### 5.4 Policy DM3.8 and JCS Policy 2 promote good design, which is echoed in the NPPF (2021). Policy DM3.6 states that the design and scale of the resultant development must be compatible to the area's character and appearance.

#### 5.5 The site is not located within a conservation area and is not a listed building nor close enough to any listed building to impact its setting. The Heritage and Design Officer considers the building to be a non-designated heritage asset and the application has been considered in regard to Policy DM4.10 which seeks to protect the setting of heritage assets. The NPPF (2021) states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

#### 5.6 Negotiations have taken place with the applicant/agent and the senior heritage and design officer has raised that whilst the extension will still be quite large, there are no objections to the revised scheme subject to conditions. This is because the extension is set back some distance from the street, bulk has been relieved with vertical slit windows; the timber material will not compete as much with the principal front elevation, which will continue draw the eye as the most prominent part of the building.

#### 5.7 The proposed extension is set back 7m from the principal elevation of the dwelling. Whilst it does protrude, it will only be by 1.3m to the side but this will not be the prominent feature when viewing the principal elevation due to the distance it is set back. If the extension were to follow the existing line of the side wall, it is considered that the mass and scale of the extension would appear worse than the current proposal where the return to the side provides a break and architectural interest to what would be a very long flat elevation.

#### 5.8 The adjoining neighbouring dwelling has a two-storey side extension. Whilst this was sympathetically undertaken to match the existing dwelling, this, nor planning policies, do not prevent other types of extensions. It is considered that, despite the modern materials, the proposal is acceptable given the location, siting and scale and being set back 7m from the principal elevation.

- 5.9 Comments were received stating that the extension is not in keeping with the existing dwelling. The dwelling already has a two-storey rear extension that has not been constructed in the best quality appearance of brick so to try and build a further extension that would match the existing dwelling is likely to be unsuccessful. In many cases, taking a modern approach to additions to more traditional buildings is much more successful. The proposal provides a clear break between the existing dwelling and the new addition and is complimentary rather than a poor replica of the original. To achieve good design, it is not always necessary to use matching materials and/or replicate the original design to achieve a suitable scheme.
- 5.10 The change to timber cladding softens the overall appearance and the addition of fenestration provides relief to the side elevation, reducing the perceived bulk.
- 5.11 The extension is set back some 7m from the principal elevation and 12.65m from the front boundary. The side and rear are only viewed (from the front) when approaching the site from the west along Mill Road. There is some screening provided by hedging along the road frontage so when driving past the site only very brief glimpsed views into the site are visible. The existing outbuilding also provides some screening that reduces the bulk of the extension visible. Pedestrians are likely to have more of a view to the rear when walking past the site, but this would be momentary and would not affect the recommendation.
- 5.12 Taking account of the limited visibility of the rear from the road, existing screening, the change to timber cladding which softens the appearance and the introduction of fenestration to provide relief to the side elevation, it is considered that the extension will not compete as much with the principal elevation which will continue to draw the eye as the most prominent part of the building.
- 5.13 The extension will be visible from the allotments to the rear of the site. Given the presence of two storey extensions to both the application site and the adjoined neighbour and the fact that there would still be 15m to the rear boundary, it is not considered that there would be any significant adverse impact in this regard to justify a refusal.
- 5.14 Consideration has been given to the setting of the pair of semi-detached properties that this site forms half of. The original frontage has been significantly altered by the addition of a two-storey side extension to No 1. It is noted that this was done to maintain the character of the existing buildings, but this does mean that modern extensions should be prevented, especially ones that are not significantly prominent such as the one proposed, being set 7m back from the principal elevation and extending only 1.3m to the side. Whilst the materials are very different to the existing, it is less prominent in terms of its position on the host dwelling.
- 5.15 Overall, it is not considered that there would be a significant adverse impact on the character and appearance of the area to warrant a refusal of permission. Whilst there would be "harm" to the non-designated heritage asset by virtue of a modern extension, given its design and location the harm to the non-designated heritage asset is not significant enough to warrant refusal. Based on the reasons outlined above, it is considered that the design is acceptable. As a result, the proposal complies with policies DM3.6, DM3.8, DM4.10 and JCS Policy 2 and the NPPF (in particular paragraphs 130, 134 and 203).

### **Neighbour amenity**

- 5.16 Policy DM3.13 protects the amenity of neighbouring properties and uses.
- 5.17 The two-storey extension is set in from the shared boundary with 1 Freemasons Cottage and is set to the northwest. Taking into account the orientation and that the two-storey extension is set away from the boundary it is not considered that there would be any significant overshadowing or loss of light to 1 Freemasons Cottage.

- 5.18 The extension is set to the southeast of River Cottage and The Haven but given the distance to the boundary any overshadowing from the extension is likely to fall within the application site so it would not result in a significant adverse impact through overshadowing or loss of light.
- 5.19 Following the removal of the roof terrace, it is considered that there would not be any significant overlooking of the adjoining neighbour.
- 5.20 The windows to the side (northwest) elevation have been shown to be obscure glazing and a condition is recommended to ensure that they are obscure glazed.
- 5.21 The agent has provided a plan comparing the existing with the proposed sightlines. The existing two rear bedroom windows both allow overlooking towards River Cottage giving views of a greater section of their garden than the proposed development. The proposal involves one of the bedroom windows moving further to the rear and closer to the area of garden the neighbours have said they use the most. However, the other retained existing bedroom window would now not provide views into the neighbour's garden. When comparing the existing level of overlooking to the proposed it is not considered that there would be a significant adverse impact through overlooking.
- 5.22 Representations have stated they consider the extension would be overbearing and dominant resulting in a significant adverse impact on their amenity.
- 5.23 Following the removal of the terrace and the screening brick wall that would have been on the boundary, and given the distance set away from the boundary with the adjoining neighbour, it is considered that the extension would not be overbearing or dominant.
- 5.24 The extension is set approximately 5m from the northwest boundary and would be approximately 5.5m tall. The existing outbuilding which runs parallel to the boundary is approximately 3.65m tall.
- 5.25 The proposed extension is set 5m away from the boundary and there is an existing outbuilding situated between the extension and the boundary. The neighbours have raised concern about the adverse impact of the extension on them. With regard to the outlook from the neighbouring property, it would still look towards a dwelling albeit an extended dwelling.
- 5.26 The change from the originally proposed metal cladding to the current proposed timber cladding softens the appearance and the addition of the windows to the side elevation provide relief and interest to the originally proposed blank elevation. Although the size has not been reduced these changes do contribute to reducing the visual impact and perceived bulk.
- 5.27 The extension is undoubtedly visible from the neighbouring gardens and the proposed extension would be a significant addition to the existing dwelling. However, whilst the extension will be closer to the garden and dwelling of River Cottage, due to the distance from the boundary and the existing outbuilding situated between the proposed extension and boundary, it is not considered to be significantly overbearing or dominant to warrant refusal of planning permission.

### **Parking**

- 5.28 Policy DM3.12 seeks to ensure that adequate parking is provided for all development.
- 5.29 The proposal would enable the dwelling to become a four bedroom property (from a three bedroom dwelling) and the parking standards require three spaces to be provided. There is ample space within the garage and front drive area for more than three vehicles to park on site. The proposal, therefore, complies with Policy DM3.12.

**Nutrient Neutrality**

- 5.30 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. The proposal relates to an existing residential unit and will not increase the number of dwellings. Using the average occupancy rate of 2.4 people, the proposal is unlikely 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. 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).

**Other Matters**

- 5.31 One representation raised concern regarding the painting of the existing side elevation brickwork. Permitted development allows the painting of a dwelling providing it is not for the purpose of advertising. As a result, given that the dwelling is not listed the Council cannot refuse planning permission on this basis because the applicant could do this without planning permission at any time regardless of whether this application is approved or refused.
- 5.32 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.
- 5.33 This application is not liable for Community Infrastructure Levy (CIL)

**Conclusion**

- 5.34 The principle of development and the overall design are considered to be acceptable and it is considered that there is no significant harm to the character and appearance of the area, the setting of the non-designated heritage asset nor to neighbour amenity. It is therefore recommended that the application be approved with the below conditions as the proposal complies with the relevant policies as outlined above.

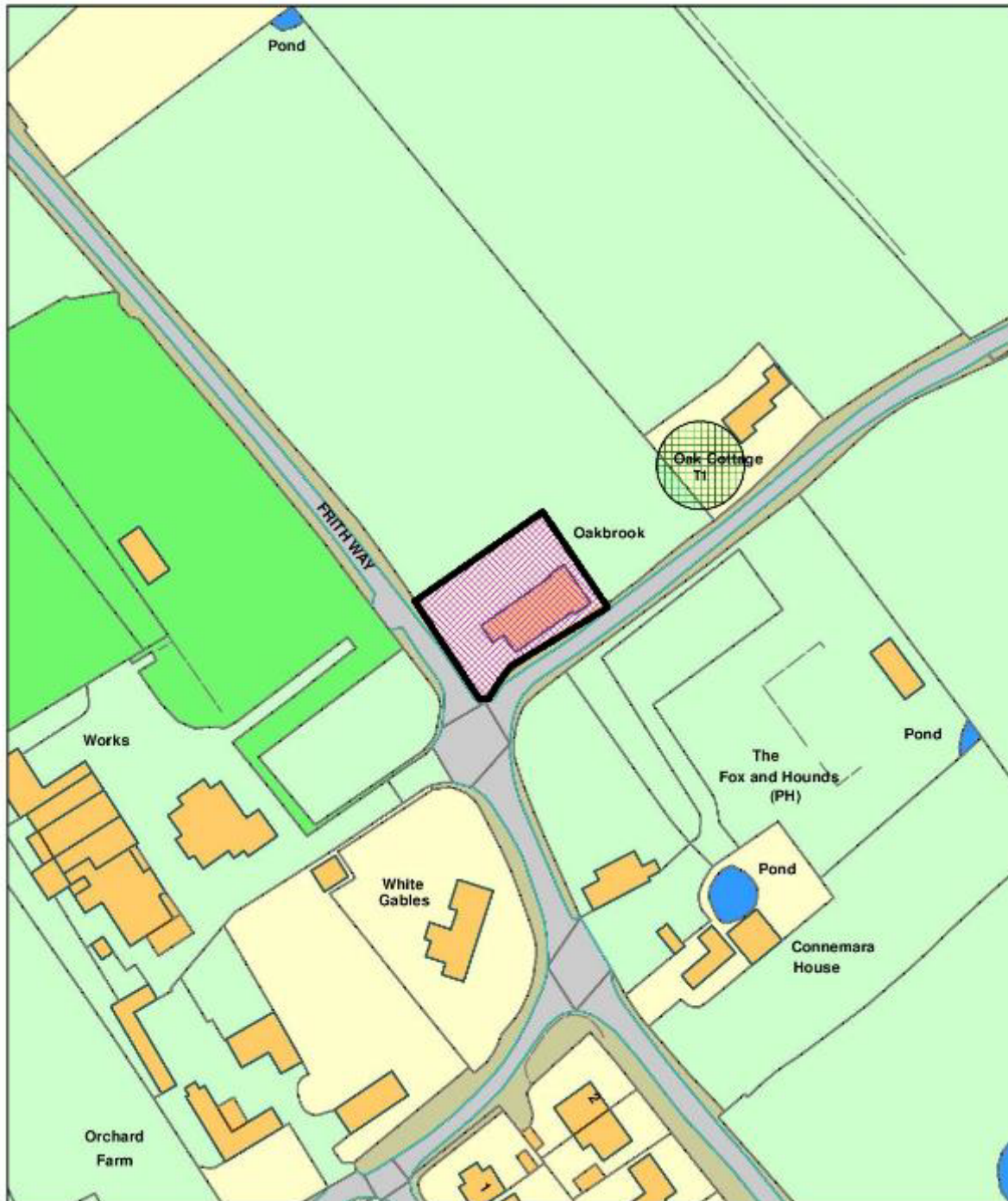
Recommendation: Approve with conditions

1. Time Limit
2. In accordance with submitted drawings
3. External Materials
4. Windows to be obscure glazed
5. Window details to be agreed

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Application 12

2022/0654



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South Norfolk Council, Cygnet Court, Long Stratton, Norwich, NR15 2XE Tel (01508) 533633

**12. Application No : 2022/0654/F**  
**Parish : GREAT MOULTON**

Applicant's Name: Mr Mohammed Negm  
 Site Address South Norfolk Guest House Frith Way Great Moulton NR15 2HE  
 Proposal Change of use from hotel (C1) to residential dwelling (C3(a)).  
 Removal of existing foyer and replace with entrance porch, Juliet balcony to rear, including external and internal alterations.

Reason for reporting to committee

The proposal would result in the loss of employment.

Recommendation summary :

Approval with Conditions

**1** Proposal and site context

- 1.1 The application relates to a guest house in Great Moulton. Historically the building was once the village school, but has more recently been used as a dwelling. The current guest house operated until September 2021. The applicant now seeks to change the use of the building back to a dwelling.
- 1.2 The site is on the northern edge of the village, outside of the village development boundary. It is on the corner of Frith Way and Frost's Lane, and is accessed from Frith Way.

**2.** Relevant planning history

- |     |           |  |          |
|-----|-----------|--|----------|
| 2.1 | 2006/1029 | Application for modification of condition 6 of previous planning application - 2005/0070/CU        | Approved |
| 2.2 | 2005/0070 | Proposed change of use to form 9no bedroomed bed & breakfast accomodation with private restaurant. | Approved |
| 2.3 | 2003/0677 | Erection of first floor extension and open car port  | 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 11: Making effective use of land  
 NPPF 12: Achieving well-designed places
- 3.2 Joint Core Strategy (JCS)  
 Policy 1: Addressing climate change and protecting environmental assets  
 Policy 2: Promoting good design  
 Policy 4: Housing delivery  
 Policy 5: The Economy  
 Policy 15: Service Villages  
 Policy 17: Small rural communities and the countryside  
 Policy 20: Implementation



- 3.3 South Norfolk Local Plan Development Management Policies Document  
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk  
DM1.3: The sustainable location of new development  
DM2.2: Protection of employment sites  
DM3.8: Design Principles applying to all development  
DM3.11: Road safety and the free flow of traffic  
DM3.12: Provision of vehicle parking  
DM3.13: Amenity, noise, quality of life

4. Consultations

4.1 Parish Council

No comments received

4.2 District Councillor

No comments received

4.3 NCC Highways

No objection

4.4 Other Representations

1 letter of support

- the Guest House no longer serves a useful purpose
- has poor internal layout and cramped corridors
- the surge in the number of Airbnb outlets provides a range of alternative places to stay
- there is a shortage of six bedroom properties in the area and the works proposed will make it perfect for a larger family
- the reduction in the very prominent expanse of gravelled parking area will make for an overall improvement in environmental quality
- the reduction in vehicles visiting the property will take some pressure off the junction of Frith Way and Frosts Lane

5 Assessment

Key considerations

- 5.1 The main issues for consideration are the principle of the development, the acceptability of the works proposed, residential amenity and access and parking.

Principle

- 5.2 Policy DM2.2 states that proposals leading to the loss of such sites will be permitted where:
- a) The possibility of re-using or redeveloping the site / premises for a range of alternative business purposes has been fully explored and it can be demonstrated that the site or premises is no longer economically viable or practical to retain for an employment use;
- or
- b) There would be an overriding economic, environmental or community benefit from redevelopment or change to another use which outweighs the benefit of the current lawful use continuing.

- 5.3 The applicant has provided evidence of the property being marketed. This shows that it was marketed by two estate agents for a period from June 2020 to January 2022 when the applicant purchased the property. During this time there was little or no interest in it being acquired for commercial use. The price was reduced twice, first in October 2020 and then again in December 2021 prior to the applicant purchasing it. Whilst it is accepted that much of this period was an uncertain period for the hospitality industry due to the Covid pandemic it should also be noted that there has also been strong demand for tourist accommodation within the UK due to restrictions on foreign travel. Given the length of time it has been marketed and the clear advice from the estate agents that there has been little to no interest it is accepted that adequate marketing has been undertaken for the requirements of part (a) of policy DM2.2.
- 5.4 It is therefore considered that use of the premises for employment use has been fully explored without success and the proposal accords with policy DM2.2.

### **Conversion Works**

- 5.5 The applicant proposes to remove an existing flat roofed single storey extension on the front of the building and replace it with a pitched roof porch. There is no objection to this as the replacement porch will be more sympathetic to the character of the building than the existing structure which detracts from it. The works also propose the reduction of the parking area to create additional parking which will also enhance the setting of the building. A number of internal works are proposed to allow the building to function as a six bedroom dwelling rather than a twelve bedroom guest house.
- 5.6 Overall it is considered that the works proposed will enhance the setting and appearance of the building and therefore accord with policy DM3.8 of the Local Plan.

### **Residential Amenity**

- 5.7 The property does not immediately adjoin any other residential property, therefore there is not considered to have any impact on the amenities of other properties and may result in less disturbance given the proposed use is less intensive than if the guest house were operating at full capacity.
- 5.8 In terms of the amenities of the property itself, there is good amenity space and it is not adversely impacted from any adjoining use. As such the proposal is considered to accord with policy DM3.13 of the Local Plan.

### **Access and Parking**

- 5.9 The scheme will use the existing access and part of the parking area for the guest house. The remaining parking area which will no longer be required will be returned to garden. Norfolk County Council's Highways Officer is satisfied that the parking area to be retained is satisfactory for use as a dwelling and raises no objection to the scheme.
- 5.10 As such the proposal is considered to accord with policy DM3.11 and DM3.12 of the Local Plan.

### **Nutrient Neutrality**

- 5.11 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. 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).

#### Other Issues

- 5.12 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.
- 5.13 This application is not liable for the Community Infrastructure Levy.

#### **Conclusion**

- 5.14 The change of use to residential use is acceptable as the building has the building has been marketed appropriately without success and therefore the proposal accords with policy DM2.2.

Recommendation : Approval with Conditions

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings

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**Item 7: Planning Appeals****Appeals received from 19 May 2022 to 17 June 2022**

<b>Ref</b>	<b>Parish / Site</b>	<b>Appellant</b>	<b>Proposal</b>	<b>Decision Maker</b>	<b>Final Decision</b>
2021/1800	Diss Walcot House Walcot Green Diss IP22 5SR	Mr D Fiske	Conversion and extension of existing stable block to holiday accommodation with creation of new access (As previously approved under 2020/1952)	Delegated	Refusal
2022/0471	32 The Street Poringland Norfolk NR14 7JT	Mr James Trett	Erection of cart lodge to front.	Delegated	Refusal
2021/1525	11 Bee Orchid Way Tharston NR15 2ZS	Mr Dan Jillings	Poplar T4 and Poplar T5 - fell trees	Delegated	Refusal

**Planning Appeals****Appeals decisions from 19 May 2022 to 17 June 2022**

None