

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 24 August 2022
10.00am

Place:

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

Contact:

Leah Arthurton tel (01508) 533610
Email: committee.snc@southnorfolkandbroadland.gov.uk
Website: www.southnorfolkandbroadland.gov.uk

PUBLIC ATTENDANCE / PUBLIC SPEAKING

This meeting will be live streamed for public viewing via the following link:

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

If a member of the public would like to observe the meeting in person, or speak on an agenda item, please email your request to committee.snc@southnorfolkandbroadland.gov.uk, no later than **5.00pm on Friday 19 August 2022**.

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.

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 5)
4. Minutes of the Meeting of the Development Management Committee held on Wednesday 27 July 2022;
(attached – page 7)
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	2021/2645/F	STOKE HOLY CROSS	Land North Of Stoke Lane, Dunston, Norfolk	13
2	2021/1721/F	PULHAM MARKET	Land west of Bungalow Farm, Wood Lane, Pulham Market, Norfolk	30
3	2022/0316/F	LANGLEY WITH HARDLEY	Langley Cottage, Langley Street, Langley, NR14 6AD	41
4	2022/0767/A	WYMONDHAM	Wymondham Leisure Centre, Norwich Road, Wymondham, Norfolk, NR18 0NT	50

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 56)
8. Date of next scheduled meeting- Wednesday 21 September 2022

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

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

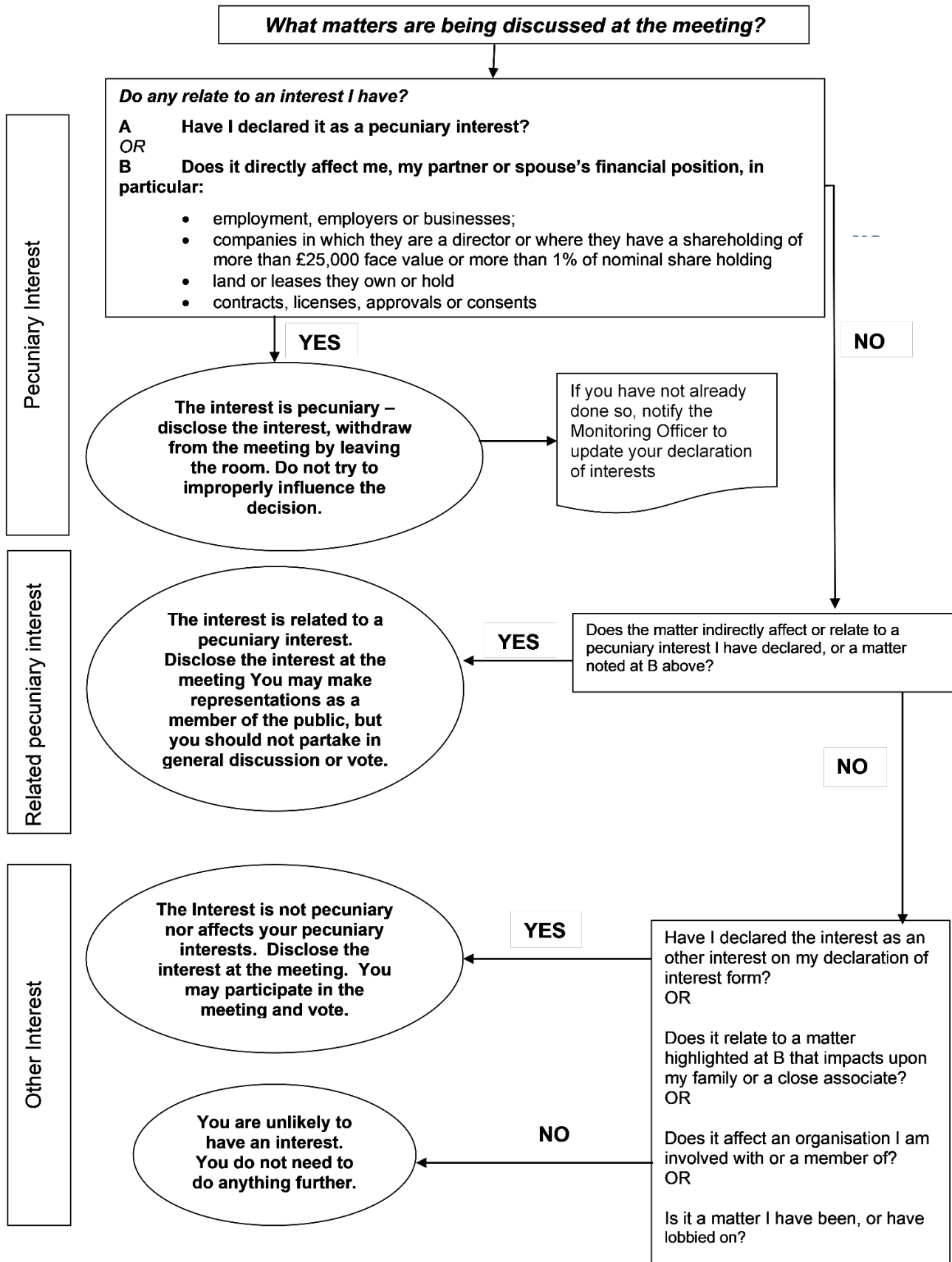
When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda 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"> 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding <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 27 July 2022 at 10am.

Committee Members Present: Councillors: V Thomson (Chairman), D Bills, F Ellis, J Halls, T Holden, C Hudson, T Laidlaw, G Minshull and L Neal.

Officers in Attendance: The Development Manager (T Lincoln) and the Area Team Managers (G Beaumont & C Curtis), the Principal Planning Officer (T Barker) and the Heritage Officer (P Whitehead)

12 members of the public were also in attendance

621 DECLARATIONS OF INTEREST

Application	Parish	Councillor	Declaration
2020/0903/D (Item 2)	KESWICK AND INTWOOD	D Bills	Other Interest County Councillor covering Keswick and Intwood
2021/0740/F 2021/1741/LB (Items 3 & 4)	COSTESSEY	T Laidlaw	Other interest Local Member for the area and Vice Chairman of the Parish Council but did not take part in any discussions regarding the application.

622 MINUTES

The minutes of the meetings of the Development Management Committee held on 29 June 2022 and 6 July 2022 were confirmed as a correct record.

623 PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

The Committee considered the report (circulated) of the Director of Place, which was presented by the officers. The Committee received updates to the report, which are appended to these minutes at Appendix A.

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

Application	Parish	Speakers
2021/0743/F	EAST CARLETON	Cllr N Legg – Local Member
2020/0903/D	KESWICK AND INTWOOD	D Vail – Parish Council I Lowey – Objector N Perryman – Agent Cllr D Elmer – Local Member
2021/0740/F 2021/1741/LB	COSTESSEY	A Moore – Objector

The Committee made the decisions indicated in Appendix B 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.

624 PLANNING APPEALS

The Committee noted the planning appeals.

(The meeting concluded at 12:06pm)

Chairman

Updates for DEVELOPMENT MANAGEMENT COMMITTEE
– 27 JULY 2022

Item	Updates	Page No
1-2021/0743	NCC Highways <ul style="list-style-type: none"> - No objections subject to conditions as previously requested 	40
2-2020/0903	Environment Agency <ul style="list-style-type: none"> - We have reviewed the latest version of the Create Consulting Engineers Limited Site Wide Surface Water Drainage Strategy of March 2022 (ref: BA/VL/P14-731/59) and are able to recommend the discharge of condition 20. - This version of the strategy covers issues previously raised in our consultation letter and therefore this version of the strategy is accepted, and we have no further comments to make. Officer – <ul style="list-style-type: none"> - The applicant has confirmed their agreement to the recommendation for an Ecological Clerk of Works to be present during the construction period for higher risk site clearance works and to oversee key points in the installation of the proposed enhancements. 	55
3 & 4- 2021/0740 & 0741	No Updates	80

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.

Application Referred back to Committee

1. **Appl. No** : **2021/0743/F**
Parish : **EAST CARLETON**
Applicant's Name : Mr Ben Jourdan
Site Address : Carleton House Rectory Road East Carleton NR14 8HT
Proposal : Proposed alterations and extensions to create 14 new bedrooms in building to rear.
- Decision** : Members voted unanimously to authorise Assistant Director of Planning to grant planning permission subject to full consideration by Officers of the issue of nutrient pollution and its impacts on the integrity of Special Areas of Conservation.
- 1 Time Limit - Full Permission
 - 2 In accordance with submitted drawings
 - 3 Visibility splays
 - 4 Provision of parking area
 - 5 Biodiversity mitigation and enhancement
 - 6 Surface water drainage
 - 7 Tree Protection
 - 8 Contaminated land during construction
 - 9 Construction Management Plan
 - 10 Materials
 - 11 Details of windows and doors
 - 12 Windows to be obscure glazed

Major application

2. **Appl. No** : **2020/0903/D**
 Parish : **KESWICK AND INTWOOD**
 Applicant's Name : Norwich Apex Limited
 Site Address : Land West of Ipswich Road Keswick Norfolk
 Proposal : Reserved matters for the details of appearance, layout, scale and landscaping of the first phase (Phase 1) of the development comprising the construction of Unit 1 (Use Class B2) and ancillary development in addition to site-wide development including road and drainage infrastructure, earthworks, strategic landscaping and associated development, of the scheme granted outline consent under application reference 2017/2794. In addition, discharge of Condition 4, Condition 8 (Unit 1 only), Condition 9 (Unit 1 only), Condition 18, Condition 22 and Condition 23 (Unit 1 only) of the outline planning permission.
- Decision : Members voted 7-1 with one abstention to authorise the Assistant Director of Planning to approve subject to highway clarification regarding surface water drainage; completion of a Unilateral Undertaking for offsite mitigation for skylarks plots; and confirmation of supervision of site clearance and installation of enhancements by an ecological clerk of works
- 1 In accordance with outline consent
2 In accordance with submitted plans
3 Materials to accord with submitted details
4 Lighting design strategy for biodiversity5. Restriction of use as a bedroom

Other Applications

3. **Appl. 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 Church Barn and the Church of St Edmund comprising proposed Cedar horizontal boarding attached to existing red brick wall and retention of railway sleeper retaining wall and boarded fence at rear of barn.

Decision : Members voted 8-1 for Approval

Approved with Conditions

- 1 In accordance with submitted details
- 2 Sleeper wall metal posts to be reduced in height within three months of the date of the decision

4. **Appl. No** : **2021/0741/LB**
 Parish : **COSTESSEY**
 Applicant's Name : Mr & Mrs Trivedi
 Site Address : Church Barn, The Street, Costessey, Norfolk NR8 5DG
 Proposal : Edmund comprising proposed Cedar horizontal boarding attached to existing red brick wall and retention of railway sleeper retaining wall and boarded fence at rear of barn.

Decision : Members voted 8-1 for Approval

Approved with Conditions

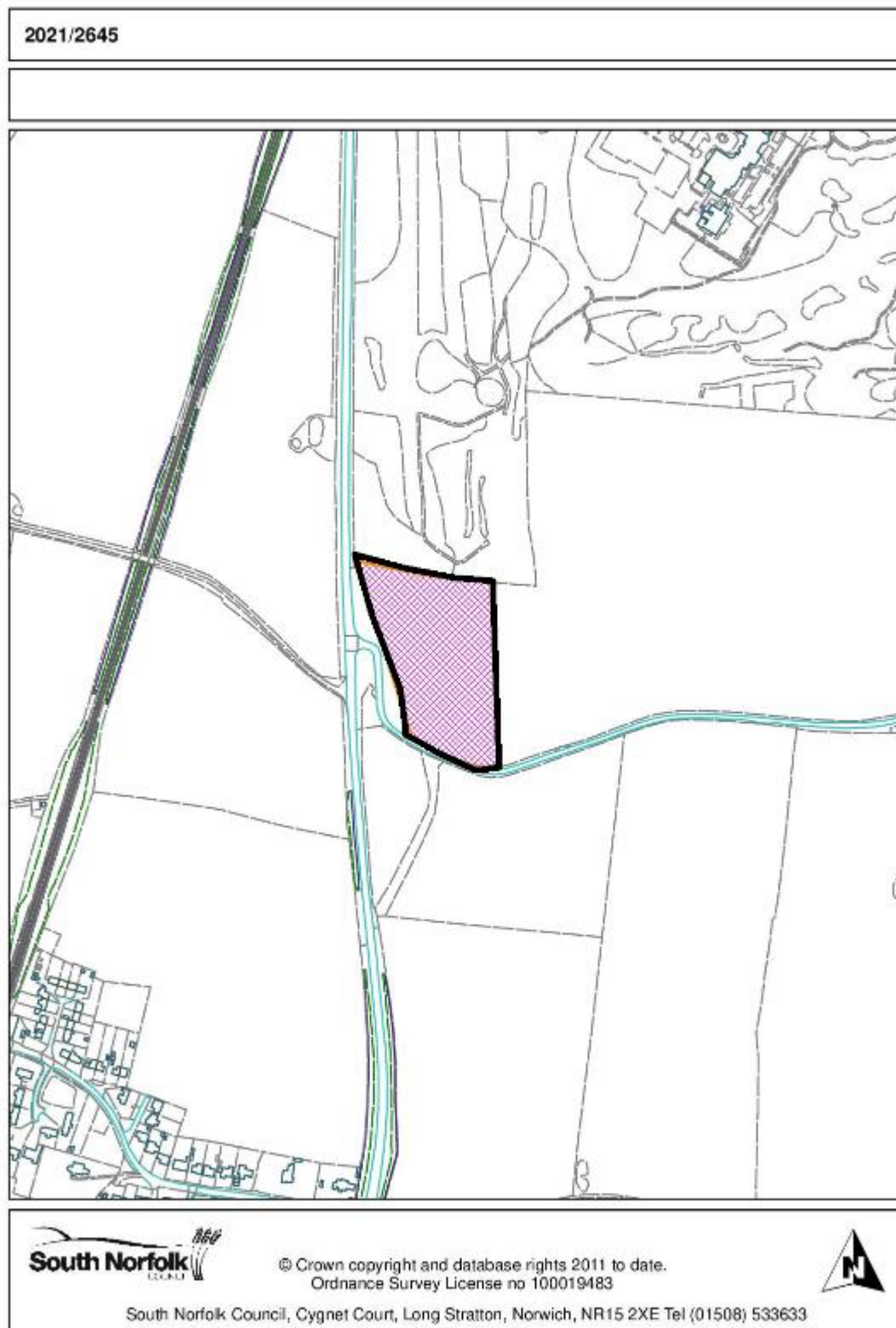
- 1 In accordance with submitted details
- 2 Cedar boarded finish to be submitted for approval

PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

Report of Director of Place

Applications referred back to Committee

Application 1



1. Application No : 2021/2645/F
Parish : STOKE HOLY CROSS

Applicant's Name: FPC (Electric Land) Ltd
Site Address Land North Of Stoke Lane Dunston Norfolk
Proposal The installation and operation of a Battery Energy Storage System to provide standby emergency electricity for National Grid in times of high electricity demand or when renewable energy projects are unable to fulfil demand. This would be for the installation of 130MW of modular battery units with ancillary equipment, including power conversion units, 132kV transformer compound, metering cabinet, switchroom, DNO control room and welfare container.

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 within the original committee report.

Recommendation summary :

Approval with conditions

1 Proposal and site context

- 1.1 This application was deferred from planning committee on 6 April 2022 in order to allow the applicant to provide further information in relation to the landscape impact of the proposal. The original committee report is attached to this proposal. This report seeks to provide an update in relation to the information which has been provided subsequently to the application being deferred only.
- 1.2 Since the proposal was deferred, the applicant has provided a further landscape visual impact assessment and provided an updated layout plan. These have been consulted upon, and further information has also been provided in relation to safety of the battery storage equipment.
- 1.3 The original report sets out the planning issues in full, including consultee and public representations. This addendum report just seeks to set out the areas which have been subject to change.

2. Consultations

- 2.1 The consultations comments below are those received in addition to those which have been included within the original report.
- 2.2 Anglian Water Services Ltd
No comments on this proposal.
- 2.3 NCC Highways
No comments received
- 2.4 NCC Lead Local Flood Authority
No comments on this application

2.5 Norfolk Fire Service

Risk control recommendations for all BESS installations should be subject to a suitable fire risk assessment. Where appropriate, this should be supported with specific fire tests. Property insurers should be involved at an early stage in discussions to agree on a suitable fire strategy for BESS installations. The potential for both property loss and business interruption should be considered. The fire protection and mitigation strategy should be determined on a case-by-case basis, based on battery type, BESS location, layout, compartment construction, system criticality, and other relevant factors. It should be multilayered and include a combination of; good design, thermal runaway avoidance, early detection, and automatic suppression. Manual fire control provision and planning, including water supplies, should be commensurate with BESS and other site fire hazards.

Specific risk control measures have been included within the response.

2.6 Historic Environment Service

Request that if planning permission is granted then a condition to secure a scheme of archaeological work is carried out.

2.7 Historic England

No comments on this application

2.8 Other Representations

Two public comments received additional to those set out within the original committee report. These comments relate to:

- Site is agricultural land and development would be out of character with the area
- The connection across the A140 would be disruptive and expensive. Lack of information as to how this will be provided.
- Lack of information about the type of batteries to be installed.
- No information about the risks associated with the proposal are included in the assessment
- No information has been provided in relation to emissions from the site if the battery malfunctions
- Lack of information about fire risk and how this will be dealt with.
- Cumulative impact of this development alongside the other developments on the A140.
- A battery safety management plan has not been provided.

3. Assessment

The effect on the character and appearance of the area

- 3.1 The effect of the development on the character and appearance of the area, was set under paragraphs 5.6 to 5.9 of the original report. Policy DM4.5 relates to landscape character and river valley and is of relevance to the application. As part original application, the impact of the development on the landscape was included as a reason for refusal. This set out:

The proposal would, by virtue of the encroachment of the development in the valley of the River Tas, result in an unacceptable visual impact on the landscape of the River Valley character areas which amounts to significant and demonstrable harm to the landscape and local character and distinctiveness of the area and therefore fails to comply with policies DM3.8, DM4.5 and DM1.4 part d)i) of the South Norfolk Local Plan 2015 and Policy 2 of the Joint Core Strategy

- 3.2 Since that recommendation was made a number of further and revised information has been provided and this is referred to as follows:
- Firstly, further clarity has been sought from the applicant in relation to site selection to understand what opportunities and constraints exist. The applicant has confirmed that the key issue in site selection is sites which are available with close connection to the grid. This significantly reduces the availability of land where this form of development can occur. It is evident that having established this, consideration has been given to any other constraints on available land. Having regard to this officers are satisfied that there are not necessarily any available, more agreeable sites in the vicinity.
- 3.3 Secondly, since the application was deferred, a more comprehensive landscape visual impact assessment has been provided. This has assessed the impact of the development on both the landscape character of the area from a number of set view points and also considered the cumulative impact of the development. In addition, levels plans have also been provided to allow a more informed assessment of the impact. This reflects the change in land levels on the site, allowing consideration of the impact that this would have on the landscape.
- 3.4 Thirdly, as part of the proposal, and informed by the landscape visual impact work, additional planting is proposed to mitigate the impact of the development on the landscape. Originally the scheme included a close boarded fence along the eastern boundary, alongside a new hedge. Having regard to the time required for a new hedge to establish, this was not considered to be a suitable form of boundary treatment. This has since been revised, and the proposal will include a wire mesh fence, with the additional hedgerow also being planted. Following discussion with the applicant, additional planting has also been provided at the frontage of the site adjacent to Stoke Lane. This was considered necessary due to the limited planting along the site frontage.
- 3.5 The LVIA has noted that there would be a slight/moderate impact from the development on the landscape character. The impact of the proposal is considered to reduce as the mitigation planting establishes. Consideration has also been given in relation to the cumulative impact of the development on the landscape, and the LVIA has assessed this as a slight effect.
- 3.6 In summary, whilst the proposal can be considered to have an impact upon the land, having regard to the findings of the LVIA showing only a slight/moderate impact of the development from Stoke Lane, the development will be seen against the background of existing trees and hedgerows, and having regard to the low structure of the batteries, and the additional landscape planting, the proposal is now considered to be acceptable in relation to the impact upon the landscape and accord with DM4.5.

Other Matters

- 3.7 As part of the re-consultation further comments have been provided from both Norfolk Fire and Rescue Service and also the applicant in terms of the safety of the battery storage system. The Fire department have sought clarity in relation to the storage of the batteries, which the applicants have confirmed will not be in buildings, and will be away from other equipment. There is other legislation including health and safety legislation and building control which would also be of relevance to this proposal. On this basis safety is not considered to be a reason for refusal.

Nutrient Neutrality Non Overnight Accommodation Inside catchment

- 3.8 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).

- 3.9 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.
- 3.10 This application is not liable for Community Infrastructure Levy (CIL)

Conclusion

- 3.11 Following the deferment of the application prior to the committee on 6April, the applicant has provided the additional information at the request of the Council. This has provided greater clarity in relation to the impact of the development on the landscape.
- 3.12 The slight/moderate impact upon the landscape character needs to be considered in the context of the mitigation planting which will help to screen the proposal. Having regard to the additional information which has been submitted, this is considered to be acceptable and sufficient to overcome the previously proposed reason for refusal.
- 3.13 No other planning reasons for refusal were identified as part of the proposal, and as such the scheme is recommended for approval.

Recommendation : Approval with conditions

1. Time Limit
2. Submitted Drawings
3. Construction Traffic Management Plan (PC)
4. On-site parking for construction workers (PC)
5. Scheme of archaeological investigation (PC)
6. Tree Protection Plan (PC)
7. Landscaping scheme

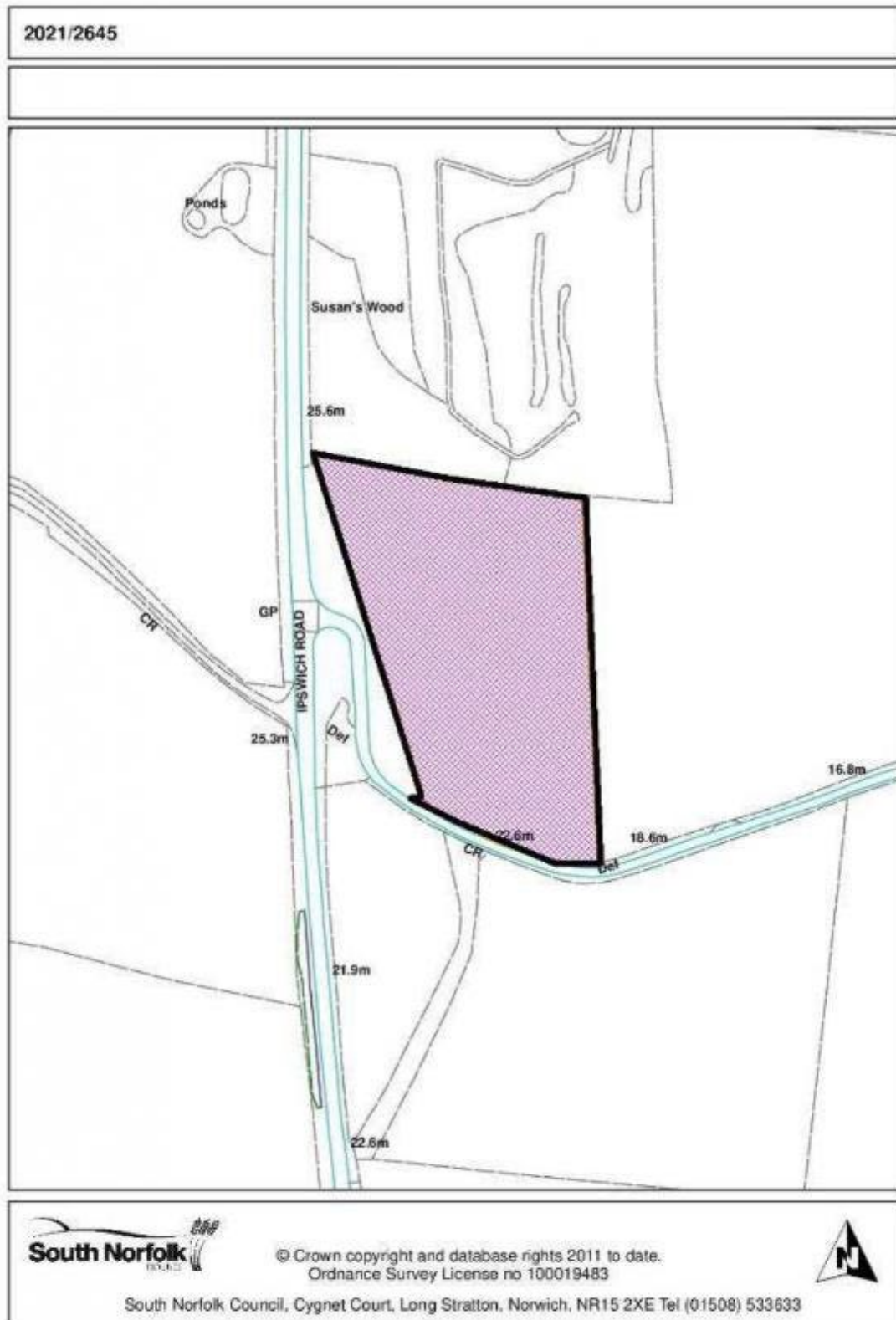
Contact Officer	Sarah Everard
Telephone Number	01508 533674
E-mail	sarah.everard@southnorfolkandbroadland.gov.uk

Appendix 1

Development Management Committee

6 April 2022

Application 2



Development Management Committee

6 April 2022

2. Application No : 2021/2645/F
Parish : STOKE HOLY CROSS

Applicant's Name: FPC (Electric Land) Ltd
 Site Address: Land North of Stoke Lane Dunston Norfolk
 Proposal: The installation and operation of a Battery Energy Storage System to provide standby emergency electricity for National Grid in times of high electricity demand or when renewable energy projects are unable to fulfil demand. This would be for the installation of 130MW of modular battery units with ancillary equipment, including power conversion units, 132kV transformer compound, metering cabinet, switchroom, DNO control room and welfare container.

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 :

Refusal

1 Proposal and site context

- 1.1 The application is seeking full planning permission for the installation of a battery energy storage system on land to the north of Stoke Lane in Dunston. The application site is currently greenfield agricultural land, which is located outside of any defined development boundary.
- 1.2 The site forms part of a wider agricultural field which extends to the east adjacent to Stoke Lane. To the north of the site is Dunston Hall, and the site directly borders the parkland and golf course for the hall. Located too the west of the site is a tree belt which separates the site from the A140. The land to the south of the site is also in agricultural use.
- 1.3 The proposal is for the installation of 130MW of modular battery units with ancillary equipment, including power conversion units, 132kV transformer compound, metering cabinet, switchroom, DNO control room and welfare container. All equipment would be sited on individual concrete slabs. The purpose of the BESS is to provide back-up electricity capacity to meet peaks in demand on the National Grid and used in response to calls for extra supply. In addition to the battery units the site will include security fencing, CCTV and lighting.

2 Relevant planning history

- 2.1 No relevant planning history

3 Planning Policies

- 3.1 National Planning Policy Framework (NPPF)
 NPPF 02 : Achieving sustainable development
 NPPF 04 : Decision-making
 NPPF 05 : Delivering a sufficient supply of homes
 NPPF 06 : Building a strong, competitive economy
 NPPF 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

Development Management Committee

6 April 2022

- 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 5 : The Economy
 - Policy 17 : Small rural communities and the countryside
- 3.3 South Norfolk Local Plan Development Management Policies
 - DM1.4 : Environmental Quality and local distinctiveness
 - 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
 - DM3.14 : Pollution, health and safety
 - 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

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.

4 Consultations

4.1 Parish Councils

Stoke Holy Cross Parish Council

We were surprised to see the site that has been selected. We believe that a much more suitable site with equal access to the A140 is to the west of the A140.

The site selected is breaking into the countryside in a visible position and this alone is a good enough reason in our opinion to keep all the development regarding Batteries and other proposed electrical equipment all in one area.

We know there is concern by some regarding the danger of fire from these battery storage sites but this is not the reason for our recommending REFUSAL which is purely due to the proposed location.

Mulbarton Parish Council

A number of concerns have been set out within the representation. This has included: Concern in regard to the cumulative impact of 'green power' industrial development proposed in an intrinsically rural district. Question how the cumulative impact of these development will be assessed. With continued industrialisation it will become more difficult for planners to refuse

Concern about the loss of food producing land, and impact upon the A140. No environmental statement has been submitted as part of this application.

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The site is near to Caister St Edmund w which is one of only three roman regional capitals which have not been superseded by modern towns and is of archaeological and recreational interest. High Ash Farm is also close to the site and is a series of rich and varied ecosystems protected for flora and fauna.

Swainsthorpe Parish Council

Object to the proposal on the following grounds:

- Unnecessary development of an agricultural greenfield site. Swainsthorpe is feeling surrounded by planning applications for huge projects. The battery storage should be sited to the west of the A140 adjacent to the Norwich south substation.
- Adverse effect on the character of the Tas valley landscape which is contrary to DM4.5
- Concern regarding the fire risk of battery energy storage systems. The placement of this technology is so close to the village of Swainsthorpe the A140 and the grade 2 listed Dunston Hall this would present an unacceptable risk.

4.2 District Councillors

Cllr Legg - There is no information in this application to indicate what type of batteries are proposed, the Technology involved or whether an EIA is indicated. Therefore it is difficult to comment further without this information.

Cllr Clifford-Jackson - I wish to endorse comments made by residents and parish councils, that this installation seems very close to some important buildings and is of a nature and impact on the environment that the committee should consider it.

4.3 Anglian Water Services Ltd

No comments on this application

4.4 Health And Safety Executive

No comments received

4.5 NCC Highways

The location of the battery storage is not unacceptable to us. Ultimately the development will generate little in the way of traffic. The statements indicate that the site will be unmanned the majority of the time.

The site, is somewhat poorly located, being close to the bend in Stoke Lane, together with limited visibility, owing to the road alignment and the frontage trees. However, owing to the latter, it does not appear that an alternative access would be an improvement. Based on the very low traffic generation of the complex once operational, the means of access proposed is considered as satisfactory

If approved further information is required as part of the construction traffic management plan

4.6 NCC Lead Local Flood Authority

The application falls below the LLFA threshold for comments

4.7 Police Architectural Liaison Officer

The fencing detailed in the application is quite clearly not a high security feature but may be appropriate depending on the risk of the site? I would recommend that fencing should meet BS1722 standards and there are government security standards for such

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establishments which should meet SEAP (Security Equipment Approval Panel) class 1-3, preferably at least class 2.

Secure bollards should be used on the access.

The use of CCTV is supported. Lighting design should be coordinated with a CCTV installation (when specified) and the landscape designed to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system.

4.8 NCC Ecologist

No comments received

4.9 SNC Community Services - Environmental Quality Team

The Construction Environmental Management Plan (CEMP) addresses all the salient points of potential nuisance including noise/vibration and dust generation during the construction phase. This document should be dynamic and be updated as the development progresses.

The noise impact assessment by Parker Jones Acoustics has successfully characterised the background ambient noise levels and assessed the expected noise from the development once in operation. Whilst there is a 2dB potential difference or exceedance in noise level at the nearest sensitive receptor, this is not classified as an adverse impact

4.10 SNC Senior Heritage & Design Officer

The heritage statement provides useful map regression which shows how the context of the site has changed over time and particularly in terms of the positioning of the present day field in relation to the main Norwich-Diss Road which has changed alignment moving from historically being to the right of this site to being to the left. This changed before the development of the hall and its grounds c1850 and consequently in terms of heritage significance above ground it is the preserved elements from that period that are considered to be of most significance in the area

I agree with the heritage statement regarding the assessment of the significance of Dunston Hall and being judged to be of high significance, however the report does not identify the parkland as a non-designated heritage asset. Although the landscape has been converted to a golf course, it does retain tree planting and boundary belts/plantations which are preserved elements of the former parkland landscape and therefore of some significance and heritage value. With regard to direct impact on the hall as a heritage asset, its significance is best appreciated from close inspection of the hall itself and viewing it from its more immediate setting of its former parkland now a golf course, and that will remain physically unaffected. In terms of wider setting the hall and its grounds sit within wide open countryside with some tree planning. Passing along Stoke Lane the hall is very visible across fields, and the landscape significantly opens up to the east with the river valley.

I concur that although there is some heritage impact, when considering the setting of the house and its landscape parkland/golf course, the impact is at the low end of less than substantial.

In terms of mitigation, I note that the proposal is to have a high 1.8m close boarded fence. This is an alien feature within the open countryside and will stand out, being visible from a long distance. It will detract to some extent from views of the hall from

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Stoke Lane. Although there would also be planting to the eastern boundary this will take time to mature.

4.11 Norfolk Fire Service

A fire hydrant is not required

4.12 SNC Landscape Architect

The application is accompanied by a 'Visual Assessment' which considers landscape character issues too. Unfortunately, the assessment is not very comprehensive and does not follow the guidance set by the recognised industry guidance (Guidelines for Landscape and Visual Impact Assessment Edition 3) nor does the photography follow accepted guidelines either.

Issues regarding the Assessment include:

- no clear distinction between landscape and visual effects and there appears to be confusion between the two;
- no methodology is provided nor definitions of values given;
- viewpoints are not derived from an assessment of theoretical visibility, and their locations have not been agreed with the LPA;
- there is no consideration of the winter scenario with the scheme-specific photography apparently taken in summer;
- no assessment of night-time effects (lighting is proposed as part of the security measures);
- the submitted visualisations do not give information of timescales, nor are details of planting growth rate assumptions provided.

Without a more through assessment, it is not possible at this time to fully consider the potential effects of this proposal. Notwithstanding this, it is clear that this scheme does meet the requirements of policy DM4.5 which expects development proposals to demonstrate how they have taken into account the key characteristics, assets, sensitivities and vulnerabilities; landscape strategy; and development considerations for the Landscape Character Area.

Based on the information before me, I have concerns about the suitability of the scheme in this location; these include:

- potential adverse visual effect, including from across the valley and from the Hickling Lane PRoW to the west.
- Impact on landscape character, including potential earthworks on this sloping site to accommodate concrete slabs to site the equipment. Policy DM4.9 requires that landscape schemes "should ensure that any land remodelling respects the local topographic character in terms of height, slope, angle and character".

4.13 Historic England

Do not wish to offer comments on this application

4.14 Historic Environment Service

The proposed development site lies within an area rich in archaeological cropmarks and other remains. In 2018 a hoard of Roman coins was discovered by metal detecting. In addition cropmarks are present within the proposed development area, which may be related to both the coin hoard and the adjacent Roman road. These may be indicative of roadside Roman settlement or burials. Roman occupation of some

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character is considered likely here on the above grounds, and because the site is located adjacent to the Roman road, a short distance south of the Roman town of Venta Icenorum. 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 affected by the proposed development.

Request that the results of an archaeological evaluation are submitted in support of any planning application in accordance with *National Planning Policy Framework*. *Ministry of Housing, Communities and Local Government (2021)*. para. 194.

Comments on additional geophysical survey

If planning permission is granted, we 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. This should be secured via a condition.

4.15 Other Representations

Eleven representations have been received objecting to the development. The following is a summary of the objections which have been received.

- Object due to the loss of greenfield land. Development should be on brownfield land closer to the substation
- Cumulative impact of development with solar farm applications and other battery storage facilities needs to be assessed
- Should be located to the west of the A140
- Contrary to DM4.5
- Industrial development of this sort should not be located close to a residential area
- It includes security lighting, CCTV and close boarded security fencing. It will also cause noise pollution.
- Concern about noise and disturbance during the construction phase and the impact upon the adjacent hotel
- An EIA should be submitted
- Concern raised about the health and safety risk of the development particularly fire risk
- Loss of prime agricultural land
- Impact upon the Tas Valley
- Adequate facilities across the A140 at the other planned developments
- Question why Swainsthorpe has to bear the brunt of the electricity development for Norfolk

5 Assessment

Key considerations

5.1 The key considerations in the determination of this application are:

- Principle
- Impact upon the landscape
- Impact upon amenity
- Heritage Impact
- Highways

Principle

5.2 There are no specific policies within the Local Plan which relate to the storage of electricity. Policy DM1.3 requires new development to be located within development boundaries unless

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supported by another policy with the development plan designed to permit development in the countryside or where there are overriding benefits.

- 5.3 In addition to the Local Plan policy, in the determination of this application regard should also be had to the requirements of the NPPF and wider government policy. The Government's Energy White paper which was released in December last year recognised the importance of battery storage in helping to provide the capacity to the electricity network when renewable systems such as wind or solar power may not be generating energy. Whilst the white paper does not represent planning policy it is considered to be of relevance due to the steer it provides in relation to Government approach to energy provision.
- 5.4 The NPPF sets out at paragraph 152 of Chapter 14 the planning system should support the transition to a low carbon future in a changing climate. Paragraph 155 goes on to set out that *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.*⁵⁴ 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 Having regard to the role the development will play in supporting renewable energy technologies, the broad principle of the development is considered to be acceptable.

The effect on the Character and appearance of the area

- 5.6 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. Development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.'* The policy goes on to set out the importance of the South Norfolk Landscape Character Assessment and sets out that *'particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types'.*
- 5.7 The application site is located within A1 Tas Rural River Valley landscape character area as defined by the landscape character assessment. The landscape character assessment sets out the key sensitivities and vulnerabilities of the landscape type, and also provides development considerations. The landscape character assessment notes that there are particular vulnerabilities in the northern part of the valley due to the impact of infrastructure and large scale land uses relating to the urban edge of Norwich including pylons, golf courses and development in association with the transport corridors (A140 and A47). Furthermore, it notes that visual sensitivities of the Tas Valley to new development/landscape change as a result of its open character, wide flat floor and long valley views, plus importance of valley crests. The development considerations go on to set out that any development must respect the character of the Tas Rural River Valley and conserve and enhance the key landscape assets. This will include reference to ensuring that the northern part of the Tas Valley is not further degraded, by large scale of infrastructure developments associated with the roads.
- 5.8 As part of the application a visual assessment has been provided which has assessed the impact of the development on the landscape. This has set out that long distance views of the development are limited as the Proposed Development Site is screened by existing mature trees to the north, south and west. The applicants have sought to argue that currently there is intermittent visibility from the east, but views are limited by landform and

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existing vegetation. Assuming that all other impacts are acceptable, the applicants assert that developing this site would not significantly alter the appearance of this area. It is considered this would likely allow the site to be read and blend into the surrounding rural landscape. Furthermore, the use of colour on the proposed equipment and boundary treatment is key to reducing potential visual effects using, wherever possible, muted green tones helping to assimilate the equipment within its surrounding context.

- 5.9 Notwithstanding the applicant's visual assessment, whilst the site is screened from the A140 by the existing trees and hedgerows, there are views across the site from Stoke Lane. Whilst there are hedgerows as noted within the visual assessment there are existing gaps for instance where there is the field entrance and areas where these are sparse. This is particularly notable during the winter months, when having visited the site, I observed wide views across the site to the east across the Tas river valley landscape. There are also views of the site from Hickling Lane PRow. Whilst it is noted that the proposal does include landscape planting along the eastern boundary, this will take time to fully establish and to screen the proposal. The applicant's visual assessment does not clarify the length of time the landscaping will take to establish and screen the proposal. Furthermore, while it is acknowledged that the structures themselves are relatively low and will not extend above the tree line to the west, it is not considered that the mitigation in this location will be sufficient to overcome the loss of the open valley side. Due to the topography of the site this results in increased industrialisation adjacent to the A140 within the river valley contrary to the requirements of the Landscape Character Assessment and Policy DM4.5. Given the above concerns, the scheme also fails to meet the requirements of Policy DM1.4 part d (i) insofar as it fails to make a positive contribution to local character and distinctiveness, Policy DM3.8 as it doesn't protect and enhance the environment and local distinctive character and Policy 2 of the JCS in relation to respecting local distinctiveness.

Heritage Impact

- 5.10 Policy DM4.10 relates to Heritage Assets and sets out that all development proposals must take into account the contribution which heritage assets make to the significance of an area and its sense of place. In addition to the requirements of the local plan, the Council also has a statutory duty in relation to listed buildings.
- 5.11 The application site is located to the south of Dunston Hall which is grade II listed. It is directly adjacent to the hall parkland which forms its golf course and can also be considered to be a non-designated heritage asset. The Council's Design and Heritage Officer has reviewed the proposal and has set out that with regard to direct impact on the hall as a heritage asset, its significance is best appreciated from close inspection of the hall itself and viewing it from its more immediate setting of its former parkland now a golf course, and that will remain physically unaffected. In terms of wider setting the hall and its grounds sit within wide open countryside with some tree planting. Passing along Stoke Lane the hall is very visible across fields, and the landscape significantly opens up to the east with the river valley. It is considered that there is a low impact, although it is relative low in the context of the setting of the hall as it will be most appreciated from within its grounds and can be viewed from other viewpoints in the wider setting. Also, there will be some impact on the setting of the landscape grounds as site that abuts its boundary with development where there was previous open countryside. It will only however abut a small part of the landscape, and there is existing hedge/tree coverage in-between which significantly reduces intervisibility.
- 5.12 Having regard to the representations from the heritage officer, the proposal is considered to result in less than substantial harm to the setting of Dunston Hall. The NPPF sets out at paragraph 202 that where a proposal results in less than substantial harm this should be weighed against the public benefit of the proposal. In this case the proposal will help to support renewable energy generation which is considered to have a public benefit. On this basis the proposal is considered to accord with the requirements of DM4.10.

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- 5.13 In addition to the impact upon above ground designated heritage assets, it is also necessary to consider the impact upon archaeology. The heritage statement sets out how the context of the site has changed over time and particularly in terms of the positioning of the present day field in relation to the main Norwich-Diss Road which has changed alignment moving from historically being to the right of this site to being to the left. The Historic Environment Service have reviewed the proposal and have set out that the proposed development site lies within an area rich in archaeological cropmarks and other remains. In 2018 a hoard of Roman coins was discovered by metal detecting. In addition cropmarks are present within the proposed development area, which may be related to both the coin hoard and the adjacent Roman road. These may be indicative of roadside Roman settlement or burials. Roman occupation of some character is considered likely here on the above grounds, and because the site is located adjacent to the Roman road, a short distance south of the Roman town of Venta Icenorum. 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 affected by the proposed development.
- 5.14 A geophysical survey of the site has subsequently been submitted by the applicants which has considered the likelihood of archaeological remains on the site and has set out that there is the potential for further significant or complex finds from the site. The Historic Environment Service have therefore requested further archaeology investigation occurs prior to the commencement of development on the site. It is proposed that this can be secured via a condition. Subject to this, the proposal is considered to be acceptable on archaeology grounds.

Impact upon amenity include health and safety

- 5.15 Policy DM3.13 Amenity, Noise and Quality of Life sets out that development should ensure a reasonable standard of amenity reflecting the character of the local area. Planning permission will be refused where proposed development would lead to an excessive or unreasonable impact on existing neighbouring occupiers and the amenity of the area. Policy DM3.14 goes on to set out that all development should minimise and where possible reduce the adverse impact of all forms of emissions and other forms of pollution.
- 5.16 A number of the public representations have raised concerns in relation to the health and safety aspect of the development and the potential for fires from the development. The applicants have submitted further information in relation to the safety of the batteries. This includes the legislative standards batteries must meet. Norfolk Fire and Rescue Service has been consulted as part of the application and have not raised any concerns. The Health and Safety Executive have also been contacted and have not submitted any representations.
- 5.17 There are no residential dwellings within the immediate vicinity of the site, with Dunston Hall forming the closest property. Stoke Holy Cross village is located to the east, whilst Swainsthorpe village is located to the south-west. The application has included a construction environmental management plan and a noise assessment which have been reviewed by the Councils Environmental Quality Team. They have confirmed that they do not have any objection to the proposal, noting that the construction management plan has picked up the key considerations whilst the noise assessment notes a small increase in background noise levels this is minor and not considered to result in an adverse impact.
- 5.18 Having regard to the sites location and representations the proposal is considered to accord with the requirements of DM3.13 and DM3.14.

Highways

- 5.19 Policy DM3.11 relates to highway safety whilst Policy DM3.12 relates to parking provision. The site is accessed from Stoke Lane. Aside from the construction period the site will be

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unmanned during its operation with only occasional visits from engineers. Within the site 2 car parking spaces will be provided to meet this need. The proposal has been reviewed by the Highways Authority who have confirmed that whilst Stoke Lane represents a poor access based on the very low traffic generation once operational it is considered to be satisfactory. As part of the construction period the access period would be required to be signed. The Highways Authority have requested updated to the construction environment management plan to deal with onsite parking for construction workers, however it is considered that this can be dealt with by way of condition. Subject to the inclusion of the condition the proposal is considered to accord with the requirements of DM3.12 and DM3.13.

Drainage

- 5.20 Policy DM 4.2 relates to drainage and requires all development to demonstrate sustainable drainage measures. A drainage assessment has been submitted as part of this application which includes a number measures to deal with surface water drainage from the site. This includes a sustainable urban drainage system located to the south east of the site from which the surface water will infiltrate into the ground. In addition to this the proposal also includes water quality treatments to ensure that potential contamination from run-off within the site is treated. The approach is considered to accord with the requirements of DM4.2. Conditions should be included to ensure that the development occurs in accordance with the drainage strategy including the management and maintenance of the drainage features.

Ecology

- 5.21 A preliminary ecology appraisal has been submitted in support of the application. This has set out that the proposal is not considered to result in an adverse impact upon protected species. The appraisal does note that bats may use the tree lines along the site boundaries for foraging and commuting. It is noted that as part of the proposal lighting is proposed for security purposes. Precise details of the lighting has not been provided and this will need to have regard to the ecological interests of the site. It is proposed that this could be secured by way of a condition.
- 5.22 The ecological appraisal notes that there are opportunities for biodiversity enhancements within the site however these are not set out. A such in accordance with the NPPF requirement for developments to demonstrate net gain, a condition should be imposed to secure these details.
- 5.23 Subject to the inclusion of conditions the proposal is considered to accord with the requirement of DM4.4.

Other Issues

- 5.24 As part of the consideration of the application, it has been screened under the Environmental Impact Assessment regulations as it falls within schedule 2. As part of the screening opinion, the proposal was not considered to require the submission of an Environmental Statement as it was considered that the proposal could be fully considered through the planning application without the need for the additional environmental statement.
- 5.25 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.
- 5.26 This application is not liable for Community Infrastructure Levy (CIL).

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Conclusion

- 5.27 The site is located within the Tas Rural River Valley in a relatively undeveloped area where there are wide views across the valley landscape. The proposal is considered to be contrary to the requirements of DM4.5 and the South Norfolk Landscape Character Assessment.
- 5.28 In terms of DM1.3 of the SNLP it is not considered that the benefit of the scheme insofar as contributing towards meeting the government's aim of providing battery storage to help provide the capacity to the electricity network when renewable systems such as wind or solar power may not be generating energy is overriding when noting the clear adverse landscape harm.
- 5.29 It is accepted that in relation to its impact upon highways, heritage, drainage, amenity, and ecology, subject to the inclusion of conditions, the proposal is considered to be acceptable.
- 5.30 Having regard to the above the proposal is recommended for refusal.

Recommendation : Refusal

1. Landscape impact
2. No overriding benefits DM1.3

Reason for Refusal

1. The proposal would, by virtue of the encroachment of the development in the valley of the River Tas, result in an unacceptable visual impact on the landscape of the River Valley character areas which amounts to significant and demonstrable harm to the landscape and local character and distinctiveness of the area and therefore fails to comply with policies DM3.8, DM4.5 and DM1.4 part d)i) of the South Norfolk Local Plan 2015, Policy 2 of the Joint Core Strategy.
2. It is not considered that the benefit of the scheme insofar as contributing towards meeting the government's aim of providing battery storage to help provide the capacity to the electricity network when renewable systems such as wind or solar power may not be generating energy is overriding when noting the significant adverse landscape harm identified in reason 1 and as such the scheme fails to comply with Policy DM1.3 of the South Norfolk Local Plan 2015.

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Other Applications

Application 2

2021/1721



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

2. Application No : 2021/1721/F
Parish : PULHAM MARKET

Applicant's Name: Mr & Mrs Jay
 Site Address Land west of Bungalow Farm Wood Lane Pulham Market Norfolk
 Proposal Change of use of land to Gypsy/Traveller site with associated storage of forestry equipment, including siting of 1 no. static caravan, 2 no. touring caravans, erection of day room and refurbishment of existing hard standing (retrospective)

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 Assistant Director of Planning to grant planning permission subject to full consideration by Officers of the issue of nutrient pollution and its impacts on the integrity of Special Areas of Conservation and the submission of a satisfactory Unilateral Undertaking relating to payment of GIRAMS.

1 Proposal and site context

- 1.1 The site is in a rural location to the north of Pulham Market. It consists of 0.16 hectares of land with residential properties adjoining to the east and west. On the opposite (southern) side of Wood Lane is a new dwelling being constructed whilst to the north is agricultural land. The site has previously been used for the storage of building materials. Planning permission has previously been sought for a new dwelling on the site as set out in section 2, which was refused and dismissed at appeal.
- 1.2 The application is for the change of use to a mixed use with the storage of building / forestry equipment and for one pitch for a Gypsy and Traveller family which will consist of one static caravan, a day room and two touring caravans. The site is already being in use as a Gypsy and Traveller pitch, with the static caravan in situ. The day room however has not yet been constructed.

2. Relevant planning history

- | | | | |
|-----|-----------|---|---------------------------------|
| 2.1 | 2011/1681 | Erection of new single storey bungalow and garage / carport | Refused and dismissed at appeal |
| 2.2 | 2011/0395 | Proposed four bedroom dwelling with double garage / carport | Refused |

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 09: Promoting sustainable transport
 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 Planning Policy for Traveller Sites (PPTS) 2015
- 3.3 Chief Planner's Letter 31 August 2015: Green Belt Protection and Intentional Unauthorised Development
- 3.4 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 6: Access and Transportation
 - Policy 17: Small rural communities and the countryside
- 3.5 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
 - DM3.3: Gypsy and Travellers sites
 - DM3.8: Design Principles applying to all development
 - 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
 - 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

4. Consultations

4.1 Parish Council

Object

- a previous application for developing this land was both refused initially and at appeal
- another planning application 2018/0683 for development on land north of 1 Colegate End Road which was also outside the defined settlement area was also refused
- the Parish Council consider the proposed application to be over development of the site, totally unsustainable for the location with a disproportionately large day room. There appears inadequate provision of services eg the application form lists the means of disposal of foul water as drainage 'unknown'
- fencing erected at the site not in keeping with its surroundings and incongruous with the landscape.

4.2 District Councillors

Cllr Clayton Hudson

Can be delegated if for refusal, however if officers are minded to approve then it should be determined by Committee

- outside the defined development boundary (in the open countryside) and remote from services (schools, doctors, etc) and in conflict with the aims of sustainable development
- previous planning decisions (including appeal decisions) - 2019/0330 at land east of London Road, Sutton

Cllr Martin Wilby

To committee as this site is outside of the development boundary

4.3 Gypsy Liaison Officer

No comments received

4.4 The Gypsy Council

No comments received

4.5 National Travellers Action Group

No comments received

4.6 NCC Highways

Final comments to be reported

Further information about visibility splays requested in original comments

4.7 SNC Water Management Officer

No comments received

4.8 SNC Community Services - Environmental Quality Team

No objections

4.9 Housing Standards

The following should be considered with any planning permission:

- the Caravan Sites and Control of Development Act 1960 requires that residential caravans are licensed, and standard conditions adhered too
- due regard should be given to the Model Standards 2008 for Caravan Sites in England
- furthermore where residential caravan sites are occupied by persons other than a single family unit, the site owner or a person appointed to manage the site must be deemed as a fit and proper person under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020

4.10 Other Representations

2 letters of objection

- outside development boundary
- previous applications on this site have been refused even after appeal
- previous planning decisions such as at Sutton set precedent
- close proximity of residential properties make this site unsuitable for the proposed change of use to 'mixed'
- size of dayroom appears excessive at over 1,000 sq feet
- rooms within dayroom suggest this will be used as a family bungalow
- visibility for exit to Wood Lane is poor, especially to traffic from the main A140
- Wood Lane has 60mph speed limit
- means of sewage disposal is unknown

5 Assessment

Key considerations

5.1 The key considerations in the determination of this application are as follows:

- The principle of the development including the need for and supply of Gypsy and Traveller sites locally
- The Traveller status of the applicant and personal circumstances
- The accessibility of the site
- The impact on the character and appearance of the area
- Residential Amenity
- Highway safety
- Ecology
- Nutrient Neutrality

Principle of development including the need for and supply of Gypsy and Traveller sites locally

- 5.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Such considerations include the NPPF and the Planning Practice Guidance. Of particular relevance within the NPPF is paragraph 62 which states that the size, type and tenure of housing needed for different groups in the community including travellers should be assessed and reflected in planning policies. Footnote 27 referenced in this paragraph then states that the Planning Policy for Travellers Sites (PPTS) sets out how travellers' housing needs should be assessed.
- 5.3 Policies A and B of the PPTS sets out how local planning authorities should assess the need for travellers sites in their areas and what targets they should set. Elsewhere, the PPTS states that it is the Government's aim to ensure fair and equal treatment for travellers in a way that facilitates their traditional and nomadic way of life whilst respecting the interests of the settled community. It states that traveller sites should be sustainable economically, socially and environmentally. It also states that local planning authorities should ensure that traveller sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid placing an undue pressure of the local infrastructure.
- 5.4 Within the Local Plan, Policy 4 of the Joint Core Strategy identified the requirements to provide permanent residential traveller pitches across the plan area and in South Norfolk until 2026. Local level research has been undertaken since the adoption of the JCS and the most up to date evidence is the *Greater Norwich Gypsy and Traveller Accommodation Assessment* published in 2022.
- 5.5 There is a requirement to demonstrate a five year supply of pitches for Gypsies and Travellers. The implications of the *Greater Norwich Gypsy and Traveller Accommodation Assessment* are still being considered in regard to the Council's land supply position and as such as a precautionary principle the application should be considered in mind that we may not be able to demonstrate a five year land supply.
- 5.6 Policy DM3.3 of the Local Plan refers to proposals for Gypsy and Traveller sites inside and outside of development boundaries and sets out the key considerations and requirements that proposals should be assessed against. These are listed below:-

Key Considerations

- a) *The scale of the site should not dominate the nearest settled community;*

- b) The development should be well planned to provide open space and facilities for the needs of occupiers and to meet national design and site management experience. The site should include the provision of satisfactory foul and surface drainage, water supply and utilities, and avoid boundary structures that give a deliberately isolating appearance to the site;*
- c) Sites for mixed residential and business uses must be suitably designed with regard to the amenity of the occupants, the neighbouring community and protection of the local environment;*
- d) The development should not have a significant adverse impact on heritage assets and their setting or the character and appearance of the landscape and should be sited and designed to integrate into the local landscape, with good screening by vegetation and / or landform;*
- e) The site should not be allocated in the Local Plan for a non-residential purpose, and there is a preference for sites located on previously developed land or previously occupied agricultural yards and hardstandings;*
- f) The site should not be so isolated from settlements that the occupiers cannot gain convenient access to schools and facilities to meet their daily needs;*
- g) Consideration should be given as to where there is adequate capacity available in local infrastructure and services and potential measures to remedy any lack of capacity; and*
- h) The proposed site should have suitable route(s) of access for the occupiers.*

Requirements

In addition to the above key considerations, proposals will not be approved in circumstances where the proposed development is:

- i) Located in an area of Flood Zone 3 or on a site in Flood Zone 2 where an exception test concludes that development is not appropriate or*
- j) On or nearby a site designated as an International, National or County-wide environmental asset, where those areas will be unacceptably harmed (see Policy DM 4.4 and DM 4.5) or*
- k) On a site unsafe for continuous occupation because of*
 - Site contamination or*
 - Localised pollution levels or*
 - Unsafe site access or*
 - Other reasons of health and safety (see Policy DM 3.14); or*
- l) Individually or cumulatively with other nearby approved or allocated Gypsy and Traveller site(s) is disproportionate with the size and density of the surrounding population or*
- m) Will have a serious adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against Policy DM 1.1 and the Local Plan as a whole*

For clarification, criteria e and k of this policy are of limited relevance to this proposal as the site has not been allocated for non-residential purposes and there are no known contamination or pollution issues at the site.

The Traveller status of the applicant and personal circumstances

- 5.7 Annex 1 to the PPTS defines gypsies and travellers as:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

- 5.8 In this instance the applicant and his family have made previous applications elsewhere in the district where it has been accepted that they meet the definition in the PPTS as a traveller.

Accessibility of the site

- 5.9 Paragraph 25 of the PPTS states that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid placing an undue pressure on the local infrastructure.
- 5.10 The site is located some distance from the development boundary of Pulham Market which is over 3km away. However Long Stratton is closer at around 2km to the north and is classified in the JCS as a Key Service Centre with a wide range of services. There is a bus service along Wood Lane which provides access to both Pulham Market and Long Stratton, as well as to Harleston and Norwich. In addition the site is within close proximity to Goodies Farm Shop which provides convenience shopping within close walking distance of the site.
- 5.11 It has been recognised in appeal decisions that by their very nature such sites are likely to be rural and that locational sustainability criteria should be relaxed slightly compared to permanent housing. Compared to many rural Gypsy and Traveller sites, this site is relatively well connected.
- 5.12 In the circumstances described above and given the scale of development, it is not considered that this proposal will place undue pressure of the local infrastructure and the application complies with this part of paragraph 25 of the PPTS and Policy DM3.3(g) of the Local Plan.

Impact on the character and appearance of the area

- 5.13 The vicinity of the site is characterised by a sporadic pattern of development along Wood Lane in a wider open agricultural landscape. The site itself is relatively well contained within the wider landscape given that it falls between two dwellings and their curtilages and has the benefit of well defined boundaries. As such development of the site would not be intrusive into the wider landscape.
- 5.14 In regard to how it sits within its immediate context the site has been designed to locate the day room at the rear of the site with the standing of the standing caravan to the west of the site. Whilst to the front of the site the caravan will benefit from the screening from the trees to the west. Whilst more visible from the east, it is still not overly prominent given the existing hedge along the site frontage. As such the proposed layout of the site is considered acceptable in terms of its impact on the street scene.
- 5.15 As initially proposed the day room was a large structure to the rear of the site reminiscent of a well proportioned bungalow. This was considered excessive for the requirements of a day room and the proposed building has now been reduced in scale to that comparable to day rooms permitted on pitches elsewhere in the district.

- 5.16 In terms of the boundary treatment, as noted above the site is well defined. An existing hedge is along the front boundary with Wood Lane with trees along the rear boundary with the agricultural land to the north. It is noted that the Parish Council raised some concern about fencing erected on the site, however this is within the site or on boundaries with other residential properties which is of a type not unexpected between properties. Overall the boundary treatment is considered an acceptable balance between giving occupants of the site privacy and minimising its impact on the landscape whilst avoid resulting in a deliberately isolating appearance in accordance with criteria (b) of policy DM3.3. A condition is proposed to ensure the hedge on the front boundary is retained (with some replanting possibly required in order to provide visibility splays as detailed in paragraph 5.23).
- 5.17 Overall it is considered that the development will fit within the existing pattern of development along Wood Lane and will not have an intrusive appearance into the wider landscape. It is therefore considered that the application complies with paragraph 26(d) of the PPTS, Policy 1 (insofar as it relates to the protection of the countryside as an environmental asset) and 2 of the JCS and Policies DM3.3(d), DM3.8 and DM4.5 of the Local Plan.

Residential Amenity

- 5.18 The site area is sufficient for a development of this scale and the applicant will benefit from an adequate outside amenity area.
- 5.19 As noted in section 1, the site adjoins two other residential properties. The properties are a bungalow to the east of the property (Bungalow Farm) and a pair of semi-detached cottages (New Cottages) to the west. In terms of New Cottages, there is considerable screening provided by a small copse of trees and as such there is little impact from the site on these dwellings. In regard to Bungalow Farm this is relatively close to the eastern boundary of the site which is marked by a close boarded fence. However the static home and proposed day room are located nearer the western boundary of the site and therefore there would be adequate separation distance. Whilst the access is adjacent to the boundary with Bungalow Farm, it should be remembered that this is an existing access that has served a commercial site for many years.
- 5.20 Whilst there is a commercial aspect to this property, this is in continuation of the historic employment use of the site and would not result in an increase in potential disturbance from this use.
- 5.21 As such it is considered that the proposal accords with policies DM3.3(b and c) and DM3.13 of the Local Plan.

Highway Safety

- 5.22 The site is served from Wood Lane which is an unclassified highway and provides an indirect link between the A140 and the village of Pulham Market, whilst also serving Goodies Farm Shop.
- 5.23 Norfolk County Council's Highways Officer has commented the current means of access that serves the site has slightly restricted visibility in the direction of the A140, which is the oncoming traffic direction. This is owing to the extent of hedging along the frontage and the curvature of Wood Lane to the west of the site. It may be possible to achieve 80 metres within highway land, however this will require some cutting back of the hedgerow. Further information submitted by the applicant has advised that 70 metres could be achieved with only a moderate amount of cutting back, but a visibility splay of 80 metres will require a more severe level of cutting back at the western end of the site. This is to be confirmed by the Highways Officer in their final comments which will form an update to this report, however it may be the case that a small part of the hedge may require some replanting to provide an 80 metre splay. This can be secured by condition.
- 5.24 Sufficient space is available to allow vehicles to park and turn on site and to enable the application to comply with Policy DM3.12 of the Local Plan.

Flood Risk and Drainage

- 5.25 The application site is in Flood Zone 1 and therefore not considered at risk from fluvial flooding, nor is the site at any identified risk from surface water flooding.
- 5.26 A number of comments have queried about how sewage is to be disposed of as the application does not make this clear. This is likely to be through a treatment plant, however details of this can be secured by condition.
- 5.27 It is therefore considered that the application complies with paragraph 13(g) of the PPTS, Policy 1 of the JCS (insofar as it relates to flood risk) and policies DM3.3(i) and DM4.2 of the Local Plan.

Ecology

- 5.28 The site is not a designated site, nor is it in close proximity to any designated site. Given the existing nature of the site it is not considered that the development is likely to have an adverse impact on biodiversity within the site.

Nutrient Neutrality

- 5.29 It is requested that delegated authority is given to Officers to grant planning permission subject to receipt of a satisfactory unilateral undertaking for the payment of the GIRAMS tariff at £185.93 per unit of relevant development and subject to full consideration by Officers of the issue of nutrient pollution and its impacts on the integrity of Special Areas of Conservation.
- 5.30 It is also requested that delegated authority is also given to Officers to refuse planning permission if a satisfactory unilateral undertaking is not received and/or if – after full consideration by Officers – they are of the opinion that due to nutrient pollution, the integrity of Special Areas of Conservation is not satisfactorily secured.

Other Issues

- 5.31 The Parish Council note the previous planning history on the site, questioning why planning permission should now be given for a travellers site when permission has in the past been refused (and dismissed at appeal) for a new dwelling. However, this was for a new dwelling well outside of any development boundary. By their nature, it is more difficult to accommodate traveller sites within development boundaries and therefore it is accepted that such sites may need to be accommodated in locations outside of development boundaries which is not the case with conventional open market housing. Furthermore, the appeal was also dismissed at it resulted in the loss of an employment site whereas this application retains the employment site as part of a mixed use.
- 5.32 Reference is also made in a number of comments received including the District Councillor to other applications for traveller sites such as at Sutton, near Wymondham, where permission was refused and the appeal dismissed. However each application must be considered on its own merits and there are clear differences of the scale of development between the site at Sutton which was for eight pitches and the site that is the subject of this application.
- 5.33 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.
- 5.34 The day room is liable for Community Infrastructure Levy (CIL).

Planning Balance

- 5.35 Due regard has been had in the assessment of this application to the Public Sector Equality Duty under section 149 of the Equality Act 2010, which requires public bodies to have due regard to the need to eliminate discrimination, advance equality and foster good relations between different people when carrying out their activities.
- 5.36 Regard has also been given to the protected rights under the Human Rights Act including Article 1, Protocol 1, which gives every person to the right to peaceful enjoyment of their property; and Article 8, which provides a right to respect for family and private life. However these rights are qualified rights and need to be balanced with other factors in the public interest. In this case when taking into account the assessment in the residential amenity section above, it is not considered that members of the settled community will have those rights interfered with if this development is permitted. For the applicant, in the event that the application is refused, this will be disruptive in having to find a new site.
- 5.37 On the main other issues, although the site is outside of any development boundary, the site is considered to have a reasonable access to services for a rural Gypsy and Traveller site given the proximity to Goodies Farm Shop, public transport and the relatively close proximity of Long Stratton which has a wide range of services.
- 5.38 In terms of the site specific impacts of the development, it is considered that it is relatively well contained within the landscape and the development can be accommodated on the site without having an adverse impact on the amenities of neighbouring properties or the local highway network.
- 5.39 Taking these factors into account, the application complies with the relevant criteria of Policy DM3.3 of the Local Plan and on that basis it also complies with Policy DM1.3 ((2)(c)) of the Local Plan, which permits development in the countryside where specific policies allow for development outside of development boundaries.
- 5.40 As noted in paragraph 5.5, the application should be considered in the context that the Council may not be able to demonstrate a five year land supply for traveller's sites. However, in this instance for the reasons above it is considered that even in the event that the Council can demonstrate a five year land supply it is considered that on balance the application accords with the PPTS and the NPPF when taken as a whole and therefore the application should be approved.

Conclusion

- 5.41 In having regard to those matters raised by this application and referred to above, when taken as a whole, it is considered that the proposal represents sustainable development that complies with policies referred to in the PPTS, Policies 1 and 6 of the JCS and Policies DM1.3(2), DM3.3, DM3.8, DM3.10, DM3.11, DM3.12, DM3.13, DM4.2, DM4.4, DM4.5 and DM4.8 of the Local Plan. Therefore the officer recommendation is that the application is approved.

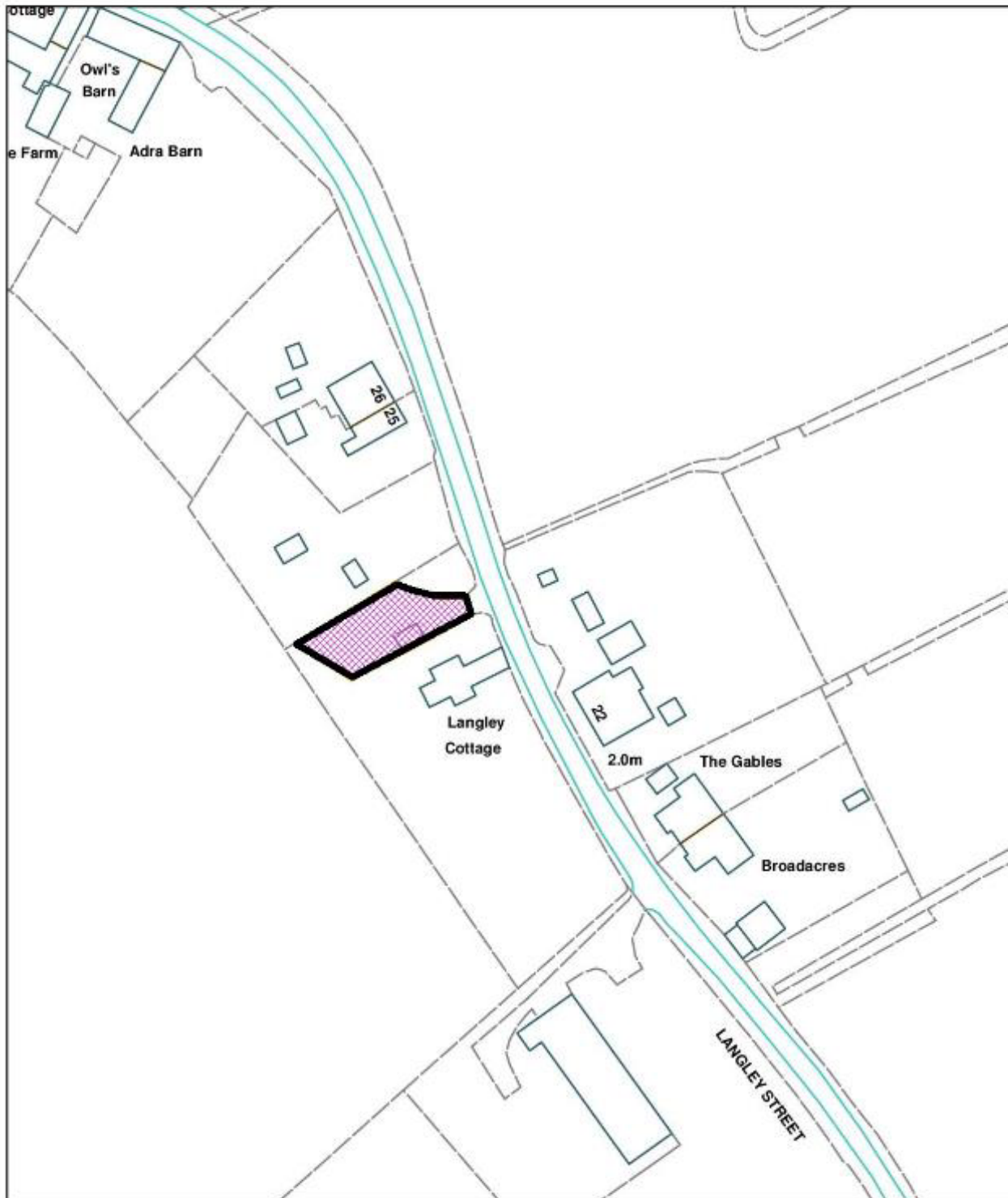
Recommendation : Authorise Assistant Director of Planning to grant planning permission subject to full consideration by Officers of the issue of nutrient pollution and its impacts on the integrity of Special Areas of Conservation and the submission of satisfactory Unilateral Undertaking relating to payment of GIRAMS

- 1 In accordance with submitted drawings
- 2 Gypsy and Traveller accommodation
- 3 No more than one pitch
- 4 Details of foul drainage
- 5 Details of hedge along front boundary

Contact Officer	Tim Barker
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Application 3

2022/0316 - Langley Cottage, Langley Street, Langley, NR14 6AD



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

3. Application No: 2022/0316/F
Parish: LANGLEY WITH HARDLEY

Applicant's Name: Mr Matthew Pitt
Site Address: Langley Cottage, Langley Street Langley NR14 6AD
Proposal: Change of use for part of site and garage to dual use as residential and used car sales (retrospective)

Reason for reporting to committee

The proposal has potential to generate employment but the recommendation is for refusal.

Recommendation summary :

Refusal

1 Proposal and site context

- 1.1 The application seeks full planning permission for the change of use of part of a residential site and garage to be used as a dual use as residential and for used car sales. The application is retrospective as the business has already started running from the site.
- 1.2 The site is located on the west side of the road, within the Langley Conservation Area and is within close proximity to some grade II Listed Buildings to the north west of the site, with Owls Barn being the closest. The site is also within close proximity to land within the Broads Authority which is on the east side of the road.
- 1.3 The main dwelling on the site is a detached two storey property. To the south of the site is an agricultural barn which is currently being considered for conversion to residential under application 2021/2738. To the west of the site are agricultural fields, whilst to the east, on the opposite side of the road, there are some two storey residential properties. To the north of the site there is a small parcel of open land and then two semi-detached dwellings.
- 1.4 The area proposed to be partially used as the car sales business is a gravelled driveway and parking area. There is also a brick built double garage with two separate single roller garage doors on the front elevation. The right side of this garage is used as a dry space for interaction with customers and for minor works to vehicles ancillary to the sales use proposed. No new buildings or structures are proposed as part of the application and no signage is proposed to be installed.
- 1.5 The Design and Access Statement sets out that the site will not be open to casual passers-by and vehicle viewings will be by appointment only. The applicant has estimated that there are expected to be between 10 and 14 vehicle purchases and sales per month and has stated that the proposal is not to carry out general service and repair works to the vehicles as this is managed by a local garage.
- 1.6 Access to the property is via the existing access onto Langley Street which has a 5 bar gate across it. Langley Street is a primarily a single track carriageway averaging around 4.4m wide in the vicinity of the application site with minimal passing provision; and is subject to a local speed limit of 40mph.

2. Relevant planning history

- | | | | |
|-----|-----------|--|---------------|
| 2.1 | 2021/1179 | Fell - Evergreens (mainly conifers) around perimeter of rear garden, to allow replanting of a mixed native boundary hedge
Ash - reduce back on road side from phone wires by approximately 2m | No objections |
|-----|-----------|--|---------------|

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 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
 NPPF 16 : Conserving and enhancing the historic environment
- 3.2 Joint Core Strategy (JCS):
 Policy 1 : Addressing climate change and protecting environmental assets
 Policy 2 : Promoting good design
 Policy 5 : The Economy
 Policy 6 : Access and Transportation
 Policy 16 : Other Villages
- 3.3 South Norfolk Local Plan (SNLP) 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
 DM2.3 : Working from home
 DM2.10 : Conversion and re-use of buildings in the countryside for non-agricultural use
 DM3.8 : Design Principles applying to all development
 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
- 3.4 **Supplementary Planning Documents (SPD):**

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 Listed Buildings 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

4.1 Langley Parish Council:

Objection to dual use as residential property and as a business dealing with used car sales, repairs and vehicle valeting on the basis that it will create a greater amount of continuous traffic along a narrow and bending carriage way to and from the site with a speed limit of 40mph.

Councillors foresee a greatly increased safety risk particularly to pedestrians and cyclists as customers and those undertaking test drives will not have local knowledge of the highway and thus create a higher risk to pedestrians, cyclists and other road users.

This part of Langley Street is a designated conservation area and having a business will not only impact on the look and feel of the area but also have a negative effect on the amenity of those residents living in Langley Street and close by. For these reasons the Council feels that having a business is not appropriate here.

4.2 District Councillor:

No comments received

4.3 Broads Authority:

No comments to make.

4.4 Environmental Health:

No objection to the proposed change of use application as described by the applicant.

4.5 Heritage Officer:

No objections.

4.6 NCC Highways:

(Latest summarised comments following submission of additional information requested by NCC Highways):

I can confirm that there are no highway objections but would recommend conditions. I have removed the need to demarcate the parking as I am satisfied there is sufficient space to accommodate the proposed number of vehicles.

4.7 Other Representations (summarised):

4 letters of objection have been received regarding the application, these raise the following concerns:

- Inappropriate location - quiet hamlet and conservation area. This should be on an industrial estate or retail premise
- Impact on character and appearance of the area – could look untidy. Negative and adverse impact on conservation area

- Negative impact on wildlife habitat in the area
- Street view has already changed following recent tree removals
- Size, scale and capacity of business. 25 vehicles in former front garden
- Concerns should business expand
- Where does detergent and residue from motor vehicles go to? Assume this is just going to be left to soak into the ground? Normal in the motor industry to have some sort of triple interceptor to cope or deal with said water and chemicals! No plans to intercept, collect or dispose of oil, grease, or other chemicals. Potential contamination.
- Concerns if signage was to be put up
- Impact on neighbour amenity
- Impact on highway safety – Poor visibility from access. Langley Street is narrow windy road and national cycle route. Any increase in traffic volume/movement is unwelcome, but more importantly poses an increased safety risk. Drive way entrances in Langley Street are designed for small residential use.
- Can't see how it is possible to prepare cars within garage due to lack of space
- Historic Environment Service should be consulted because the hard standing created in Langley cottage is immediately next to the area of Denver Wood that was subject to the archaeological requirements prior to any planning permission being approved.

5 Assessment

Key considerations

5.1 The key considerations are:

- The principle of the development
- The impact on the character and appearance of the Conservation area and nearby listed buildings
- The impact on the neighbour amenity
- The impact on highways safety

Principle

- 5.2 Planning law (section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This point is reinforced by the NPPF, which itself is a material consideration.
- 5.3 In accordance with both the Council's adopted development plan and the NPPF, in cases where there are no overriding material considerations to the contrary, development proposals that accord with the development plan should be approved without delay.
- 5.4 The site is outside of the defined development boundaries where Policy DM1.3 of the Local Plan (SNLP) directs new development to be located. However Policy DM1.3 does state that permission for development in the countryside outside of the defined development boundaries will be granted where other development management policies specifically allow it.
- 5.5 In this regard, Policy DM2.1 of the SNLP is considered to be specifically relevant. This states that development proposals that provide for the creation of new employment opportunities, inward investment or the adaptation and expansion of an existing business will be supported unless there is a significant adverse impact in terms of Policies DM1.1, 1.3 and other policies of the Local Plan. The Policy gives preference to new sites within development boundaries, to the needs of existing businesses that wish / require expansion, and finally to new small sites that are well related to a nearby rural settlement in terms of urban form and access to services.

- 5.6 In this case the proposal is considered to be a new business at the site and so more significantly criteria 7 of Policy DM2.1 applies. This states that proposals for new sites in the countryside will be assessed against the policies of the Local Plan, with positive consideration given to proposals that:
- a) Re-use redundant rural buildings and hard standings (see Policy DM 2.10); and / or
 - b) Are located on sites well related to rural towns and villages and it is demonstrated that there are no sequentially preferable sites available; and / or
 - c) Create accessible jobs and business opportunities in the rural area.
- 5.7 With regards to point a), the application does not propose to re-use redundant rural buildings or hardstanding. As such this criterion is not considered relevant to these proposals.
- 5.8 In terms of point b), it is noted that the application site is not particularly well related to a rural town or village. The JCS identifies Langley in Policy 16, as an 'other village' which is described as having very few local services or facilities and a limited bus service. In this case the proposal is considered to fail the first part of (b).
- 5.9 With regards to the second part of (b), specifically whether it has been demonstrated that there are no sequentially preferable sites available, no such information has been submitted with this application. Furthermore there is not considered to be a specific locational or operational requirement for the business to operate from this site other than the fact that it is at the applicant's residence.
- 5.10 With regards to point c), the proposal only creates employment for the applicant and is unlikely to create any further employment and business opportunities given the scale of the proposed business and its location.
- 5.11 Overall, taking all of the above into account, it is evident that the scheme fails to meet the relevant requirements of Policy DM2.1 and consequently the scheme does not satisfy criterion 2c) of Policy DM1.3 which makes provision for supporting the principle of development in the countryside where it complies with a specific policy of the Plan designed to permit development in such a location.
- 5.12 Turning to criterion 2d) of Policy DM1.3 insofar as does the scheme offer overriding benefits in terms of economic, social and environmental dimensions of sustainable development, as set out in Policy DM1.1, it is considered that these will be very limited due to the size and nature of the business and are therefore afforded limited weight when considering the conflict identified with Local Plan policies.
- The impact on the character and appearance of the Conservation area and nearby listed buildings
- 5.13 The site is located within the Langley Conservation Area and is within close proximity to some grade II listed buildings to the north west of the site, with Owls Barn being the closest and therefore regard has been given to sections 16(2), 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The site is also within close proximity to land within the Broads Authority.
- 5.14 The main change to the site will be the storage of the cars and the sales element resulting in customers coming and going to and from the site. The applicant initially indicated that up to 20 cars may be situated on the site at any one time, however the Local Planning Authority had concerns as to the scale of the business if this was to be the case and how this would then impact the character of the area. However a condition could be imposed to limit the number of cars that can be displayed for sale at any one time to no more than 10. It is considered that at this scale the vehicular movements to and from the site and the activities on the site would not cause significant harm to the character and appearance of the area.

- 5.15 Physically, no new buildings or structures are proposed as part of the application and no signage is proposed to be installed. The cars are proposed to be installed towards the north of the overall residential site. Many of these will be, at least partially, screened by the existing double garage on the site and there is further screening provided by the existing trees and hedging on the front boundary. A section of this hedging would need to be removed to make improvements to the visibility splays at the front of the site however this hedging is proposed to be replaced slightly further into the site and within time would provide screening once more, whilst the existing trees on site are proposed to all be retained.
- 5.16 The Broads Authority and the Council's Heritage Officer have both raised no objection to the application. Overall, the application is therefore not considered to result in any significant detrimental impact upon the character and appearance of the Langley Conservation area or the Broads Authority area or to the setting of the nearby listed buildings. The application therefore complies with Policies DM1.4 and DM3.8 of the Development Management Policies Document and sections 16(2), 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The impact on the neighbour amenity

- 5.17 Some concerns have been raised by local residents with regards to the impact of the proposals on neighbour amenity. The applicant has stated that they do not intend to carry out any major repairs or services on the vehicles and indicated that only very minor repair works would be carried out. It is considered that a condition could be added to limit the site to residential use, car sales and works ancillary to car sales to ensure that this is also the case in the future.
- 5.18 The applicant has said that they would have no objection to a condition being imposed to limit the hours of operation of the business to between 08:00 and 18:00 Monday to Fridays, to between 09:00 and 16:00 on a Saturday and at no time on Sundays or bank holidays. A condition could also be imposed requiring the business to only be run by occupiers of the dwelling on the site (Langley Cottage) to, amongst other things, prevent there being any conflict between the business and the amenity of occupiers of this dwelling.
- 5.19 With the number of vehicles allowed to be displayed for sale limited by condition, it is therefore considered that the vehicular movements to and from the site would not be excessive. If the business was also limited to just the sales of the vehicles the use shouldn't give rise to unreasonable levels of noise and disturbance whilst the hours of operation of the business could be limited to standard working hours. The Council's Environmental Health team have raised no objection to the application with regards to noise pollution and, overall, the application is not considered to result in any significant detrimental impact upon neighbour amenity. The application is therefore considered to accord with Policy DM3.13 of the Development Management Policies Document.

The impact on highways safety

- 5.20 Access to the property is via the existing access onto Langley Street. Norfolk County Council, in their role as Highway Authority, and following the submission of additional information, have raised no objection to the application on the basis that the development is restricted in terms of the number of vehicles for sale and subject to 3 conditions. The conditions require improvements to the access and visibility at the site within 6 months of the application being determined. There is ample room for parking within the site especially with the restriction on the number of cars being sold on site at any one time, whilst with the conditions in place the access would be improved within 6 months of the decision being issued. Overall, it is therefore considered that, with the suggested conditions in place, the proposal will not have a significant detrimental impact on highway safety and accords with Policies DM3.11 and DM3.12 of the SNLP.

Other Issues

- 5.21 With regards to the biodiversity and ecology on the site, the part of the site in question was previously part of the front garden and more recently has been turned into the driveway and parking area, all works that could be carried out without requiring planning permission. It is therefore not considered that the sales of vehicles from the site will result in any significant detrimental impact on the biodiversity and ecology on the site as in line with broad aims of Policy DM1.4 of the SNLP.
- 5.22 Some local residents have raised concerns regarding contamination on the site, however the application is for the sale of vehicles rather than any services or vehicle repairs. The Council's Environmental Health Officer has raised no objection regarding potential contamination and overall the application is considered to comply with Policy DM3.14 of the SNLP.
- 5.23 One neighbouring resident has stated that the Historic Environment Service should be consulted on this application, however given that, aside from the access improvements, there are no physical works proposed on site it isn't considered necessary to consult the Historic Environment Service on this occasion.
- 5.24 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 just outside of the catchment area of one or more of these sites as identified by Natural England. In addition, 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).
- 5.25 Under Section 143 of the Localism Act the Council is required to consider the impact on local finances. This can be a material consideration but in the instance of this application the other material planning considerations outlined above are of greater importance.
- 5.26 This application is not liable for Community Infrastructure Levy (CIL).

Conclusion

- 5.27 It is evident that the countryside location of the proposed development requires compliance with Policy DM1.3 of the SNLP and that there are two ways to achieve this as highlighted in the assessment above. In this case, the scheme fails to meet either as it neither complies with the relevant policy permitting employment in the countryside (DM2.1) nor does it "demonstrate overriding benefits in terms of economic, social and environment dimension" when having regard to the limited benefits provided by the scheme.
- 5.28 Finally, returning to the requirements of S38(6) of the Planning and Compulsory Purchase Act 2004 it is not considered that there are any other material considerations that indicate that the application should be approved contrary to the provisions of the Local Plan and bearing in mind the fundamental policy harm in allowing this development in this location.

5.29 The application is therefore contrary to the policies of the development plan and it is recommended that planning permission should be refused for the reasons as set out below.

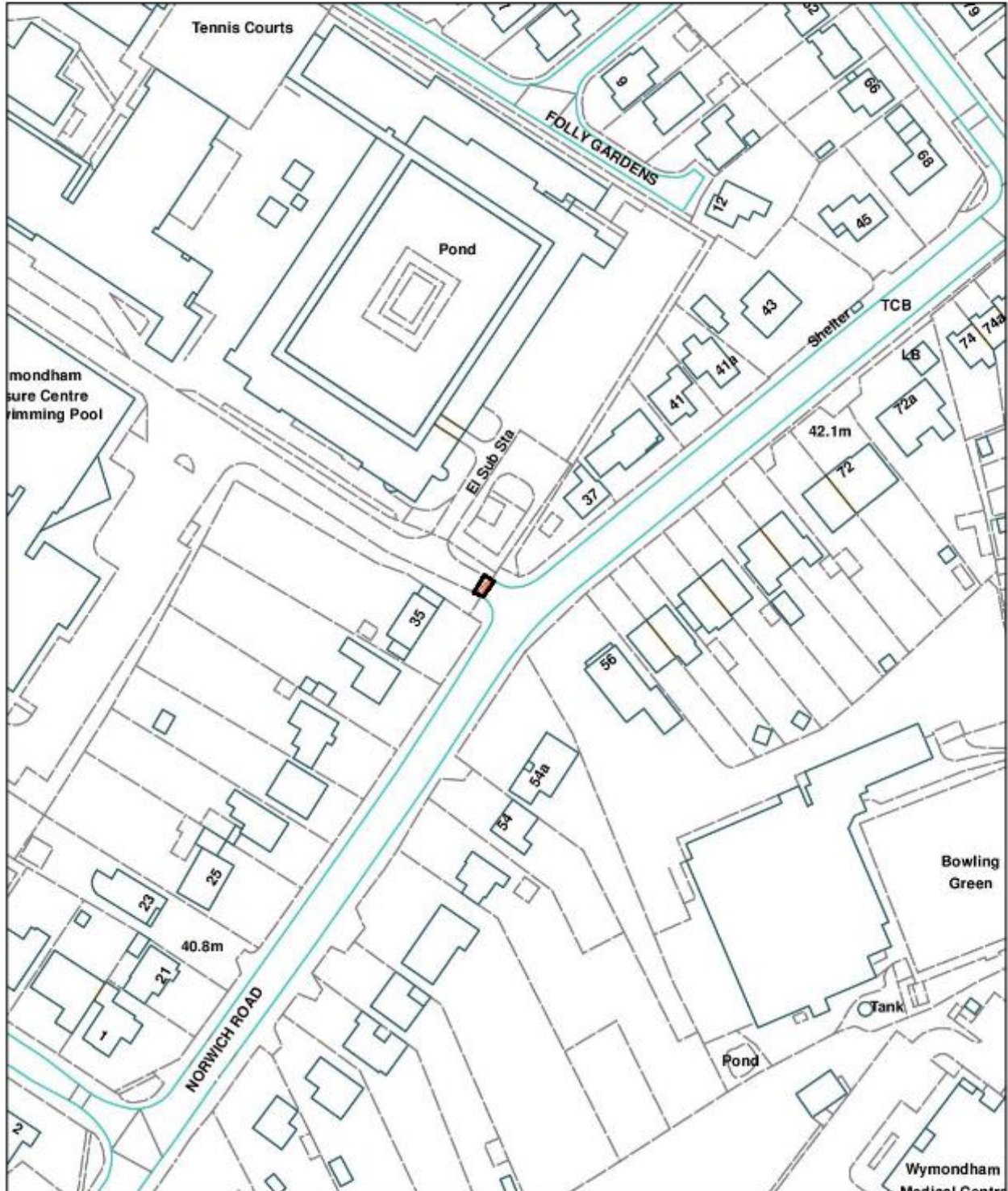
Recommendation : Refusal, for the following reasons:

- (1) The application does not propose to re-use redundant rural buildings or hardstanding, the application site is not particularly well related to a rural town or village and the proposal would not create accessible jobs and business opportunities in the rural area. The application is considered to fail to comply with Policy DM2.1 of the South Norfolk Local Plan 2015.
- (2) The application also fails to demonstrate any overriding benefits in terms of economic, social and environment dimensions and therefore fails to accord with Policies 1 of the Joint Core Strategy for Broadland, Norwich and South Norfolk and with either criteria 2 (c) or 2 (d) of Policy DM1.3 and DM1.1 of the South Norfolk Local Plan 2015.

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Application 4

2022/0767



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

Application submitted by South Norfolk Council**4. Application No : 2022/0767/A
Parish : WYMONDHAM**

Applicant's Name: Mr Rob Adams
 Site Address Wymondham Leisure Centre, Norwich Road, Wymondham, Norfolk, NR18 0NT
 Proposal 3 x fascia signs and lighting bar above

Reason for reporting to committee

The applicant is South Norfolk Council.

Recommendation summary:

Approval with Conditions

1 Proposal and site context

- 1.1 The proposed site is the Wymondham Leisure Centre that lies within the development boundary of Wymondham, but outside of Wymondham's Conservation Area.
- 1.2 The proposal is to erect new illuminated signage for the Leisure Centre positioned to the left of the entrance gate to the centre's car park, directed southeast towards the highway. The site currently contains a north facing sign that is non-illuminated and is to be replaced assuming the application is approved.
- 1.3 Norwich Road is a diverse area with a wide variety of dwellings and commercial premises. The road is lit by streetlights.
- 1.4 The main criteria on which advertisement applications are assessed is Paragraph 132 of the NPPF and Policy DM3.9 of the Local Plan. The primary considerations are design, amenity, and public/highway safety, considering accumulative impacts.

2. Planning history

- | | | | |
|-----|-----------|--|----------|
| 2.1 | 2015/0581 | External - Extension to reception creating new cafe and larger reception area, extension to sports hall to create a new two storey fitness area.
Internal - General refurbishment to all areas, new spa, separation to swimming pool & new soft play. | Approved |
| 2.2 | 2015/2127 | Non-material amendment to planning permission 2015/2581 - Windows shown to entrance curtain walling, new plant shown to link building, and proposed windows removed from pool. | Approved |

- | | | | |
|-----|-----------|--|----------|
| 2.3 | 2015/2244 | Removal of condition 2 following planning application 2015/0581/F - The surround to the external escape stairs which is not a general circulation stair is to be removed due to no requirement under building regulations this will create a less intrusive visual elevation from neighbouring properties. By drawing re-submittal | Approved |
| 2.4 | 2016/0216 | Variation of condition 2 of permission 2015/0581- Fire escape stairs has been added and the fire escape door has been moved into the new cladding panel. | Approved |
| 2.5 | 2019/1055 | Removal of an existing external 'All Weather Sport Pitch' and replacement with an extended car park and external amenity lighting | Approved |
| 2.6 | 2010/0700 | Erection of external signage | Approved |
- 3 Planning Policies
- 3.1 National Planning Policy Framework (NPPF)
NPPF 08: Promoting healthy and safe communities
NPPF 12: Achieving well-designed places
- 3.2 Joint Core Strategy (JCS)
Policy 2: Promoting good design
Policy 8: Culture, leisure, and entertainment
Policy 13: Main Towns
- 3.3 South Norfolk Local Plan Development Management Policies
DM3.8: Design Principles
DM3.9: Advertisements and Signs
DM3.11: Road safety and the free flow of traffic
DM3.13: Amenity, noise, and quality of life
- 3.4 Wymondham Area Action Plan
No specific policy
4. Consultations
- 4.1 Town Council
- Consider that the application should be approved.
- 4.2 District Councillor
- No comments received
- 4.3 NCC Highways
- No objections, recommended condition as follows:
The level of illumination of the illuminated sign(s) shall not at any time during the hours of darkness exceed 800cd/m². No part of the source of the illumination shall at any time be directly visible to users of the adjacent public highway. Reason: In the interests of highway safety.'

4.4 SNC Community Services - Environmental Quality Team

Original comment:

Having reviewed the application documentation, I request addition information as to the proposed hours of operation of the lights.

Comment following additional information:
Happy with the hours as suggested in conditioning.

Other Representations

4.5 35 Norwich Road -

Objects – concerns of the light spilling and shinning back to their windows due to the new height and position. Notes how the streetlight already would light the sign and feels the position would cause distraction from highway users due to new positioning. Notes how previous sign was unmaintained and unreadable. Also has concerns to safety due to the new height and wind if the sign is unmaintained again. Not in keeping with the neighbouring art-deco style school. New sign accumulates with existing amenity issues such as anti-social noise.

4.6 37 Norwich Road -

Commented that the proposed lighting would cause disturbance to the living and bedroom space and is considered out of character with property.

5 Assessment

Principle and Key considerations

- 5.1 Policy DM3.9 considers advertisements and signs that require consent. The policy states that signs will be permitted when they are well designed and sympathetic to the character and appearance of their location, having regard to their size, materials, construction, location, level of illumination and cumulative impact with other signs in the vicinity. Furthermore, the policy states that illuminated signs will not be permitted where safety and amenity of the surrounding area is adversely affected.
- 5.2 The erection of the proposed signage is considered acceptable in principle. As such the main considerations are design, impact upon residential amenity and highway and pedestrian safety.

Design

- 5.3 With reference to design the scale, form, choice of materials and overall design details are all considered appropriate. The signage appropriately advertises the leisure centre's offering and is logically sited. Two signs are to be mounted directly onto the existing metal fencing that is set back into the site and the primary sign is to extend approximately one metre in height above, mounted on independent aluminium posts. Although larger than the existing signage, the proposed signage is considered appropriately designed and not excessively large.
- 5.4 Norwich Road is diverse and thus the proposal includes commercial properties with signage and mixed residential development in its wider area. The area is already lit by streetlights and the additional light created by the illumination of the sign is not considered to cause an impact on the character and appearance of the wider area. Considering the above points, I believe the proposal accords with Policy DM3.8.

Amenity

- 5.5 The neighbouring property has commented with several concerns. The primary concern is the positioning of the lights in relation to the property's windows within the principal elevation, in addition to the additional height. The light shines down towards the sign and is considered to produce minimal spillage. Furthermore, the proposal has been revised to remove any gap given between the sign and the lighting bar that existed previously, which now restricts the ability of direct light facing the property. The sign is otherwise considered to be sited far enough away from residential dwellings to not cause a significant harm considering its level of illuminance. Therefore, with regards to impact upon residential amenity, there is not considered to be a significant adverse impact on privacy, daylight, direct sunlight, or outlook by virtue of the siting and design of the proposed signage and distance of this to neighbouring residential properties. Thus, the proposal is considered to accord with DM3.13.

Highway Safety

- 5.6 The Highways Authority has assessed the proposal and raised no objections subject to conditions to restrict the illumination level to 800cd/m². The contractor has confirmed the light is however already restricted to 299cd/m². The illumination restriction is therefore reflected in condition 3 to protected highway safety and neighbouring amenity. The sign is otherwise not considered to create a concern to highway safety and thus accords with policy DM3.11.

Nutrient Neutrality

- 5.7 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. Considering the nature of the proposal, the application can be safely determined with regards the Conservation of Species Habitats Regulations 2017 (as amended).

Other Considerations

- 5.8 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.
- 5.9 This application is not liable for the Community Infrastructure Levy (CIL).

Conclusion

- 5.10 It is considered that the design is appropriate, and that the proposal will not cause a significant adverse impact on neighbouring amenity or the wider area. Furthermore, the proposal is not considered to cause concern in terms of highway or pedestrian safety.

5.11 As such the proposal accords with the criteria set out within policies DM3.8, DM3.9, DM3.11 and DM3.13 of the Local Plan and policies 2, 8 and 13 of the Joint Core Strategy.

Recommendation: Approval with Conditions

- 1 Time Limit - Full Permission
- 2 In accordance with submitted drawings
- 3 Illumination limits
- 4 Time Limits
- 5-9 Standard Advertisement Conditions

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Agenda Item: 7: Planning Appeals**Appeals received from 15 July 2022 to 11 August 2022**

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision
2022/0626	Outbuilding west of Lion Lane Bergh Apton	Mr & Mrs D Hayes	Change of use to outbuilding/store to form a dwelling, extension to existing stable block (revised)	Delegated	Refusal
2022/0044	Tharston & Hapton 7 Bee Orchid Way Tharston NR15 2ZS	Mr Bell	Poplar T1 & T2 - fell	Delegated	Refusal

Planning Appeals**Appeals decisions from 15 July 2022 to 11 August 2022**

Ref	Parish / Site	Appellant	Proposal	Decision Maker	Final Decision	Appeal Decision
2021/0009	Cringleford 1 Cringleford Chase Cringleford Norfolk NR4 7RS	Mr Piers Ranger	T1 Cedrus Atlantica - reduce canopy height to 14m and reduce spread to shape as indicated in report	Delegated	Approval with Conditions	Appeal Allowed