

Borough Council of  
**King's Lynn &  
West Norfolk**



# Planning Committee

## Agenda

Monday, 3rd July, 2023  
at 9.30 am

in the

Assembly Room  
Town Hall  
King's Lynn

Also available to view at

<https://youtube.com/user/WestNorfolkBC>





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**PLANNING COMMITTEE AGENDA**

Please note that due to the number of applications to be considered it is proposed that the Committee will adjourn for lunch at approximately 12.30 pm and reconvene at 1.10 pm.

Please ensure that all mobile phones are switched to silent

**DATE:** Monday, 3rd July, 2023

**VENUE:** Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

**TIME:** 9.30 am

**1. APOLOGIES**

To receive any apologies for absence and to note any substitutions.

**2. MINUTES**

To confirm as a correct record the Minutes of the Meeting held on 5 June 2023 (to be circulated).

**3. DECLARATIONS OF INTEREST (Page 6)**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

Councillor appointed representatives on the Internal Drainage Boards are noted.

**4. URGENT BUSINESS UNDER STANDING ORDER 7**

To consider any business, which by reason of special circumstances, the Chair proposes to accept, under Section 100(b)(4)(b) of the Local Government Act, 1972.

**5. MEMBERS ATTENDING UNDER STANDING ORDER 34**

Members wishing to speak pursuant to Standing Order 34 should inform the Chairman of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

**6. CHAIR'S CORRESPONDENCE**

To receive any Chair's correspondence.

**7. RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

To receive the Schedule of Late Correspondence received since the publication of the agenda.

**8. GLOSSARY OF TERMS (Pages 7 - 11)**

**9. INDEX OF APPLICATIONS (Pages 12 - 13)**

The Committee is asked to note the Index of Applications.

**a) Decisions on Applications (Pages 14 - 154)**

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

**10. DELEGATED DECISIONS (Pages 155 - 183)**

To receive the Schedule of Planning Applications determined by the Executive Director.

**To: Members of the Planning Committee**

Councillors B Anot, R Blunt, F Bone, A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, S Lintern, B Long, S Ring, C Rose, J Rust (Chair), A Ryves, Mrs V Spikings, M Storey and D Tyler

## Site Visit Arrangements

When a decision for a site inspection is made, consideration of the application will be adjourned, the site visited, and the meeting reconvened on the same day for a decision to be made. Timings for the site inspections will be announced at the meeting.

If there are any site inspections arising from this meeting, these will be held on **Thursday 6 July 2023** (time to be confirmed) and the meeting reconvened on the same day (time to be agreed).

### Please note:

- (1) At the discretion of the Chairman, items may not necessarily be taken in the order in which they appear in the agenda.
- (2) An agenda summarising late correspondence received by 5.15 pm on the Thursday before the meeting will be emailed (usually the Friday) and tabled one hour before the meeting commences. Correspondence received after that time will not be specifically reported during the Meeting.
- (3) **Public Speaking**

Please note that the deadline for registering to speak on the application is **12 noon** the working day before the meeting, **Friday 30 June 2023**. Please contact [borough.planning@west-norfolk.gov.uk](mailto:borough.planning@west-norfolk.gov.uk) or call (01553) 616818 or 616234 to register.

### For Major Applications

Two speakers may register under each category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for five minutes

### For Minor Applications

One Speaker may register under category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for three minutes.

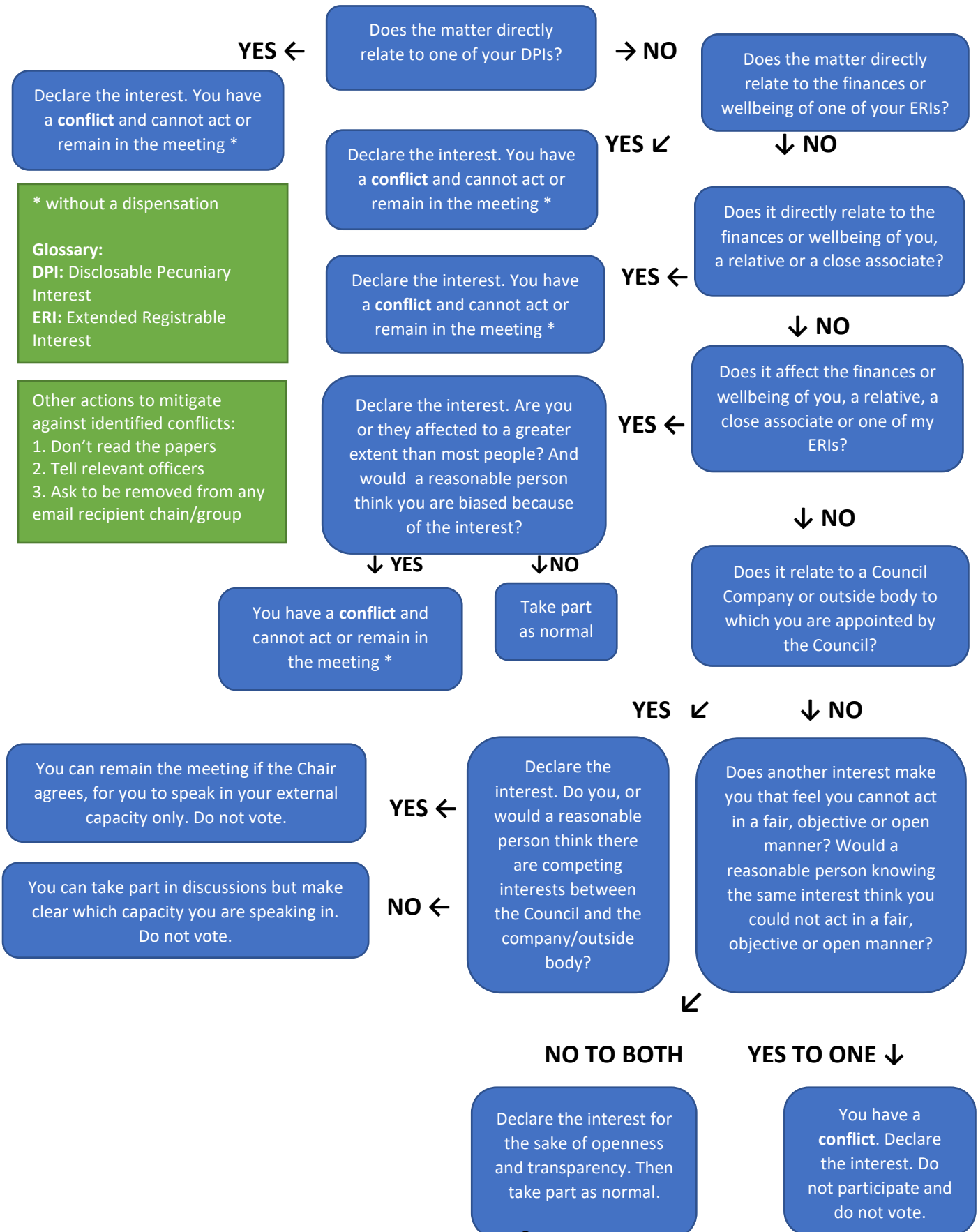
For Further information, please contact:

Kathy Wagg on 01553 616276  
[kathy.wagg@west-norfolk.gov.uk](mailto:kathy.wagg@west-norfolk.gov.uk)

**DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART**



**START**



**Glossary of Terms and Abbreviations**

AIA	Arboricultural Impact Assessment
AMS	Arboricultural Method Statement
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Plan
ATC	Air Traffic Controller
BCKLWN	Borough Council of King's Lynn and West Norfolk
BCN	Breach of Condition Notice
BNG	Biodiversity Net Gain
BS	British Standard
CA	Conservation Area
CCTV	Closed Circuit Television
CHZ	Coastal Hazard Zone
CIL	Community Infrastructure Levy
CLEUD	Certificate of Lawful Existing Use or Development
CLOPUD	Certificate of Lawful Proposed Use or Development
CRM	Collision Risk Modelling
CS	Core Strategy
CSH	Code for Sustainable Homes
CSNN	Community Safety and Neighbourhood Nuisance
CTMP	Construction Traffic Management Plan
CWS	County Wildlife Site
D and A	Design and Access Statement
DDA	Disability Discrimination Act
DEFRA	Department for Environment, Food and Rural Affairs
DISC	Discharge of Condition
DMPP	Development Management Policies Plan
DS	Design Statement
EA	Environment Agency
EBR	Economic Benefit Report
EIA	Environmental Impact Assessment
EN	Enforcement Notice
EVC	Electric Vehicle Charging

FFL	Finished Floor Level
FRA	Flood Risk Assessment
GCN	Great Crested Newts
GIRAMS	Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy
GPDO	General Permitted Development Order
HAS	Health and Safety Assessment
HELAA	Housing and Economic Land Availability Assessment
HPG	Historic Parks and Gardens
HRA	Habitat Regulations Assessment
HSE	Health and Safety Executive
IAQM	Institute of Air Quality Management
IDB	Internal Drainage Board
IROPI	Imperative Reasons of Overriding Public Interest
LB	Listed Building
LCA	Landscape Character Assessment
LDFCS	Local Development Framework Core Strategy
LHA	Local Highway Authority
LLFA	Lead Local Flood Authority
LP	Local Plan
LPA	Local Planning Authority
LVA	Landscape and Visual Appraisal
LVIA	Landscape and Visual Impact Assessment
MOD	Ministry of Defence
MUGA	Multi Use Games Area
NCC	Norfolk County Council
NCP	North Coast Partnership
NDG	National Design Guide
NE	Natural England
NHBC	National House Building Council
NMDC	National Model Design Guide
NMP	Noise Management Plan
NNR	National Nature Reserve
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance



OIA	Ornithological Impact Assessment
OS	Ordnance Survey
PADHI	Planning Advice for Development near Hazardous Installations
PCN	Planning Contravention Notice
PCPA	Planning and Compulsory Purchase Act
PEA	Preliminary Ecological Appraisal
PINs	Planning Inspectorate
POS	Public Open Space
PPG	Planning Practice Guidance
PROW	Public Rights of Way
PS	Protected Species
PSS	Protected Species Survey
RP	Registered Provider
RPA	Root Protection Area
RS	Ramsar Site
RSS	Regional Spatial Strategy
S106	Section 106 Agreement (Planning Legal Agreement)
S278	Section 278 Agreement (provide the legal mechanism required to carry out highway alterations)
S38	Section 38 Agreement (secure new road adoption by the highway authority)
SAC	Special Areas of Conservation
SADMPP	Site Allocations and Development Management Policies Plan
SCI	Statement of Community Involvement
SD	Sustainable Development
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SME	Subject Matter Expert
SOS	Secretary of State
SPA	Special Protection Area
SPD	Supplementary Planning Document
SS	Spatial Strategy
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Urban Drainage Scheme
TA	Transport Assessment
TCPA	Town and Country Planning Act

TEMPO	Tree Evaluation Method for Preservation Orders
TPO	Tree Preservation Order
TPP	Tree Protection Plan
TRO	Traffic Regulation Order
UCO	Use Class Order
UU	Unilateral Undertaking
VA	Viability Assessment
VOA	Valuation Office Agency
WHO	World Health Organisation
WSI	Written Scheme of Investigation

10

<b>Suffixes to Reference Numbers</b>	
A	Advertisement Consent
AG	Agricultural Prior Notification
BT	Adoption/Removal of BT Payphone Box
CM	County Matter
CU	Change of use (where no development is involved)
CON	Consultation by Adjoining Authority
DM	Demolition Prior Notification
F	Full Application (including Householder)
FM	Full Major Application
HZ	Hazardous Substance Application
LDE	Lawful Development Certificate (existing use or development)
LDP	Lawful Development Certificate (proposed use or development)
NMA	Non Material Amendment
O	Outline Application
OM	Outline Major Application
PACU	Prior Notification for a change of use (i.e. barn to dwelling)
PAGPD	Householder Prior Notification (larger home extension)
PAGAA	Householder Prior Notification (increase by adding an additional storey onto a dwelling)
PIP	Permission in Principle
RM	Reserved Matters Application
RMM	Reserved Matters Major Application

S257	Divert/stop up a Public Right of Way
T3	Telecoms Prior Notification
TPO	Application for works to Tree(s) subject to a TPO
TREECA	Application for works to Tree(s) in a Conservation Area

**INDEX OF APPLICATIONS TO BE DETERMINED BY THE  
PLANNING COMMITTEE AT THE MEETING TO BE HELD ON  
MONDAY 3 JULY 2023**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
<b>9/1</b>	<b>DEFERRED ITEMS</b>			
9/1(a)	<b>23/00265/CU</b> 10 Folgate Lane Walpole St Andrew Wisbech Norfolk PE14 7HY Change of use of bungalow from a dwelling (C3) to a children's home (C2) for up to two children	<b>WALPOLE</b>	<b>APPROVE</b>	<b>14</b>
<b>9/2</b>	<b>MAJOR DEVELOPMENTS</b>			
9/2(a)	<b>22/02265/FM</b> Land Opposite Walpole Sub Station Walpole Bank Walpole St Andrew Norfolk PE14 7JE Proposed development of an energy storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid.	<b>WALPOLE</b>	<b>APPROVE</b>	<b>32</b>
9/2(b)	<b>22/02021/FM</b> Land Opposite Walpole Sub Station Walpole Bank Walpole St Andrew Norfolk PE14 7JE Erection of a Renewable Battery Energy Storage System and associated infrastructure including access and landscaping.	<b>WALPOLE</b>	<b>APPROVE</b>	<b>55</b>
9/2(c)	<b>22/01333/FM</b> Alfred G Pearce Castle Road Wormegay King's Lynn Norfolk PE33 0SG Erection of new cold store building, change of use of existing cold store building to packing shed, and alterations and extensions to existing cold store building.	<b>WORMEGAY</b>	<b>APPROVE</b>	<b>79</b>

**9/3 OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE**

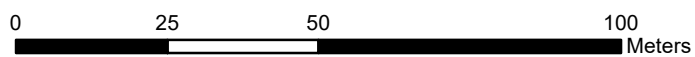
9/3(a)	<b>22/01884/F</b> Eastgate Barn Eastgate Holme next The Sea Norfolk PE36 6LB Change of use from agricultural including the demolition of the existing barn and the replacement with five new dwellings	<b>HOLME THE SEA</b>	<b>NEXT APPROVE</b>	<b>95</b>
9/3(b)	<b>23/00253/F</b> Riverbank Between Arc Rouge And Up To Date Cottage Lowside Outwell Norfolk PE14 8RF Extension to existing fishing platform for instructing children to fish.	<b>OUTWELL</b>	<b>APPROVE</b>	<b>116</b>
9/3(c)	<b>21/01921/F</b> 1 Stody Drive South Wootton King's Lynn Norfolk PE30 3UQ 2no. proposed dwellings following demolition of existing dwelling	<b>SOUTH WOOTTON</b>	<b>APPROVE</b>	<b>123</b>
9/3(d)	<b>23/00551/RM</b> Plot To South of Number 19 Dovecote Road Upwell WISBECH Norfolk PE14 9HB Reserved Matters Application for one dwelling	<b>UPWELL</b>	<b>APPROVE</b>	<b>135</b>
9/3(e)	<b>22/00832/F</b> Britina Folgate Lane Walpole St Andrew Wisbech Norfolk PE14 7JA Change of use of land for the keeping of working dogs and proposed private kennels for working dogs	<b>WALPOLE</b>	<b>APPROVE</b>	<b>143</b>

# 23/00265/CU

10 Folgate Lane Walpole St Andrew Wisbech PE14 7HY



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Ordnance Survey 100024314

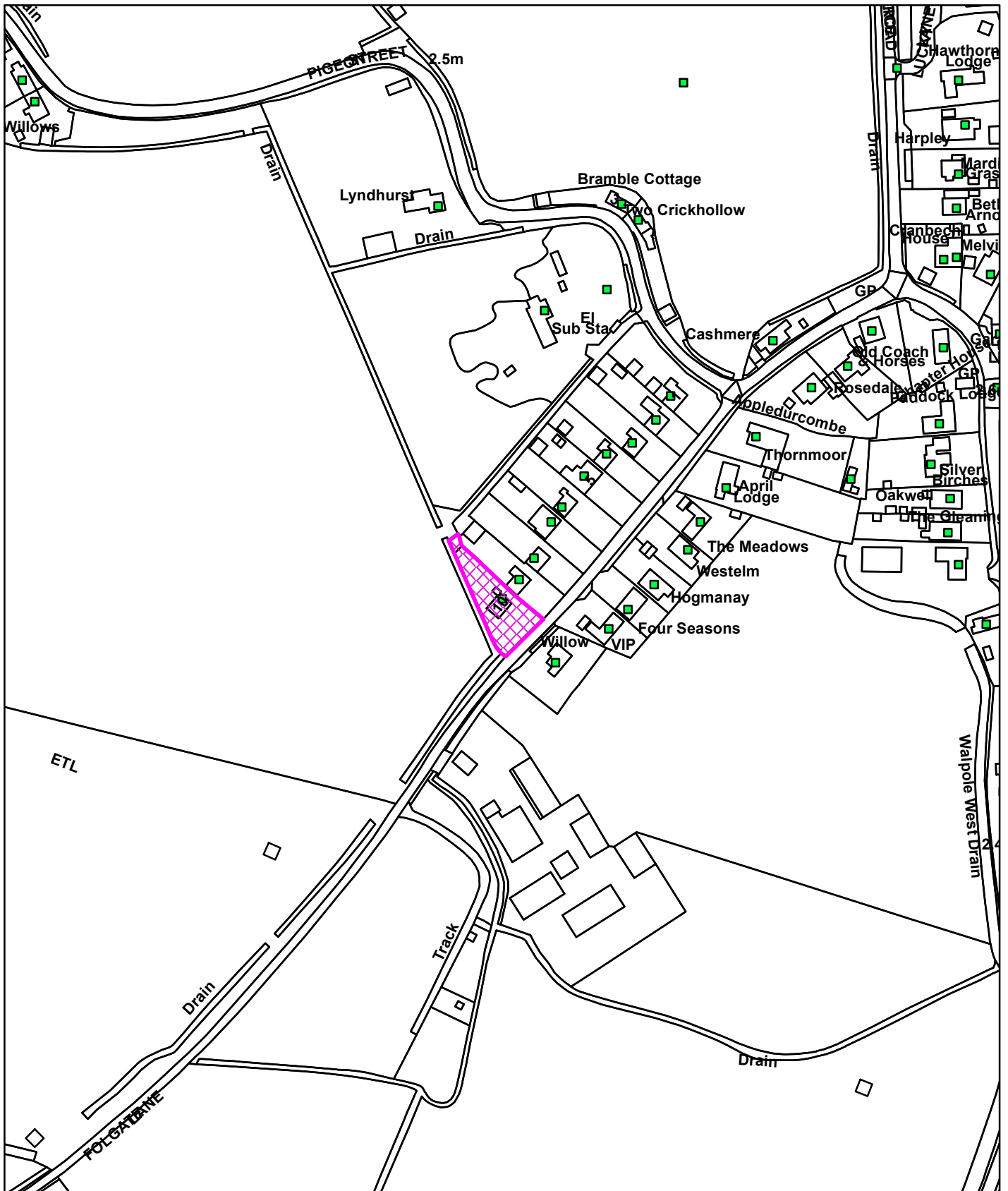


20/06/2023



# 23/00265/CU

10 Folgate Lane Walpole St Andrew Wisbech PE14 7HY



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20/06/2023

15



Parish:	Walpole	
Proposal:	Change of use of bungalow from a dwelling (C3) to a children's home (C2) for up to two children	
Location:	10 Folgate Lane Walpole St Andrew Wisbech Norfolk PE14 7HY	
Applicant:	Mr T Dumitru	
Case No:	23/00265/CU (Change of Use Application)	
Case Officer:	Clare Harpham	Date for Determination: 18 April 2023 Extension of Time Expiry Date: 12 June 2023

**Reason for Referral to Planning Committee** – The application was called in to Planning Committee by the Assistant Director of Environment and Planning due to the scale of objections. The Parish Council object to the proposal. The application was deferred from 5<sup>th</sup> June Planning Committee.

**Neighbourhood Plan:** No

**Members Update:**

the application was deferred from the 5th June Planning Committee to enable the applicant to obtain his OFSTED registration.

The agent has confirmed that part of the registration process requires the applicant to provide a copy of the planning permission granted, a certificate of lawfulness, a copy of a planning application or evidence that planning permission is not required. While he could start the registration process, it is not possible to complete the registration until he has the decision relating to this planning application.

Therefore, Members are asked to determine the application as submitted.

Updated sections of the report are in bold.

**Case Summary**

The application site is located within the development boundary of Walpole St Andrew which is classified as a Rural Village within Policy CS02 of the Core Strategy 2011.

The site is located along Folgate Lane, at the end of a row of single storey dwellings, before the lane leads out into open countryside. On site is an existing dwelling of prefabricated construction.

The proposal seeks the change of use of the existing dwelling (C3) to a children's home (C2) for up to two children. The proposed number of children was reduced during the course of the application from 'up to three' and an amended description advertised.



### **Key Issues**

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Flood risk
- Any other matters requiring consideration prior to determination of the application
- Crime and Disorder

### **Recommendation**

**APPROVE**

## **THE APPLICATION**

The application site is located on the northern side of Folgate Lane and is the last dwelling adjacent to the open countryside. On site stands a single storey prefabricated bungalow and at the time of the site visit it was evident that two new access points had been formed onto Folgate Lane along with some fencing and gates and a parking area. Along the northern side of Folgate Lane most of the dwellings have vehicular access to the rear of the dwellings, although some dwellings have also got a vehicular access to the front, directly on to Folgate Lane.

This application is for the change of use of the existing bungalow from a dwelling (Class C3) to a children's home (C2 for up to two children).

## **SUPPORTING CASE**

The following sets out a supporting summary of the application: -

The proposal seeks permission for the change of use of an existing two-bedroom bungalow to a children's home to provide supervised residential accommodation for up to two children with associated non-resident adult supervisors.

The application has been amended from 'up to three children' to two children only.

Members will appreciate that the application should be considered on planning merit alone: The change of use relates to an existing residential property to a very small children's home within, albeit at the edge of, a village location.

The scale of use is not dissimilar to a small family home (two adults and two children).

Significant concern by local residents has been raised with regard to the 'type' of children to be homed at the property. However, it will be appreciated that the planning change of use is only the start of any registration process through Social Services and Ofsted.

Planning Committee  
3 July 2023

All that is known is that the proposed children's home would not comprise a 'secure unit'. It will be for Social Services to determine which children requiring a residential placement would be appropriate and should be accommodated in this rural location.

The children would be aged between 11 and 17 years of age and would be transported by the care provider to schooling (Wisbech or King's Lynn) plus any extracurricular activities such as sports, social and leisure trips etc.

With regard to potential anti-social behaviour, Norfolk Constabulary has not expressed any concern regarding this aspect of the proposal.

From a planning perspective, given the scale of the change of use and the fact that two overseeing adults would be present at the site at any one time, it is not considered that the proposal would give rise to any significant 'nuisance', but, if this was to occur, there are separate legislative means to tackle such behaviour.

The proposal has generated significant concern and objection by local residents, fearing crime, anti-social activity and lack of facilities available locally to cater for the children to be homed. However, it is pointed out that the children requiring homes within a principally rural location would have ready access to transportation for their schooling and other needs not catered for locally. Social Services will take into account the rural and relatively inaccessible location of the children's home as part of the registration and placement arrangements.

Some children require rehoming through no fault of their own.

The proposal represents a low-key use of an existing dwelling for much-needed accommodation and of a scale similar to a family dwelling.

In planning terms, the proposal would accord with National and local planning policies.

**As part of the process of changing the use of any building to a children's home an application for registration is required to be made through OFSTED (currently HMCI – His Majesty's Chief Inspector of Education, Children's Services and Skills).**

**As part of the registration process an application is made through submission of form SC1, supplying an array of information relating to the proposal, the applicant and staff information and relevant credentials. Also required is confirmation that planning permission has been granted or is not required by the relevant authority. OFSTED strongly recommend all pre-registration processes are completed prior to submission to avoid undue delay during the registration assessment and decision. Therefore, while the applicant could technically apply for registration, a decision would not be made until all relevant information has been submitted, including planning consent.**

There is concern that the application has been deferred based upon the built characteristics of the existing bungalow, when a change of use application has been submitted on which a principal planning decision is required. The building is a Tarran dwelling, constructed to meet the housing shortfall after the war. The fact that the housing association considered the property at 10 Folgate Lane was not considered to be fit to meet its specific standards does not preclude any subsequent owner from refurbishing and investing in the property to modernise and upgrade its facilities to suit modern living standards.

## PLANNING HISTORY

No recent planning history

## RESPONSE TO CONSULTATION

**Parish Council:** At the time of writing this report the Parish Council had raised questions, but not expressed whether they support or object to the proposal.

- Questions were raised regarding the suitability of such a rural area with few facilities.
- Concerns have been raised by members of the public regarding issues caused by another 'children's home' in the village and whether the children will be young offenders.

### **Parish Council OBJECTION following reconsulation -**

- **Concerns raised regarding the lack of details on the two children between the ages of 11-17. This village offers little for this age bracket to do and where would they socialise? Not good infrastructure for teenagers with nothing to entertain them such as clubs and poor bus route/service.**
- **Support the long-term residents of Folgate Lane in REJECTING the application.**
- **Residents also believe a second property has been bought in Folgate Lane by the same person.**
- **Neighbours loss of privacy is a huge concern.**
- **Other home on Wisbech Road has not direct neighbours so would create less resistance.**
- **A number of elderly residents are concerned about intimidation and feel the location is wrong.**
- **The area is mainly an elderly residential area and rural which should be taken into account.**
- **The bungalow is very basic to house 2/3 children and carers especially as the prefabricated buildings were not deemed as liveable, hence Freebridge moved out the residents and sold them.**
- **The Parish Council feels this should be investigated in depth as comments on the portal are not supportive.**
- **Original objection was sent on 23rd May but does not appear on the Portal.**

### **Highways Authority: NO OBJECTION**

I have no objection to the principle of the change of use application; however, I did observe that some works at the site have started to provide a new access and parking for the use that would currently not accord with highway requirements.

Firstly, the fencing and gates are erected forward of the frontage boundary and encroach on the highway verge. These features would need to be taken down and re-erected on the correct line. The boundary should be in line with the roadside edge of the adjacent ditch.

There is also two new access points that are being formed with gates and the new points of access need to be hard surfaced back to the gates which should be set back 5m from the near edge of the carriageway. I am of the view that these aspects can be covered by conditions which I recommend be applied to any decision.

Planning Committee  
3 July 2023

## **Internal Drainage Board: NO OBJECTION**

The applicant proposes to discharge surface water to a sewer which is the least sustainable method of surface water disposal within the drainage hierarchy. I recommend you satisfy yourself that this is viable in this location. Foul drainage is proposed to a main sewer, should the proposal change and treated foul water be disposed of to a watercourse, consent is required under Byelaw 3. I note the presence of a Board maintained watercourse (DRN146P0296 – Folgate Drain) adjacent to the western boundary. While not proposed should the applicant's proposal change to include alterations to the watercourse consent would be required under Byelaw 4 and the Land Drainage Act 1991. No works are currently proposed within 9m of the Board maintained watercourse. Should there be any proposed works within 9m of the drain (for instance fencing) then consent will be required under Byelaw 10.

### **Further IDB comments following re-consultation -**

**Similar comments received to the original consultation with the addition of the following comment. It is noted that the applicant intends to carry out the installation of fencing which is within 9 metres of the Board Maintained watercourse. Consent would be required for this under Byelaw 10 and I recommend an application is made for consent at their earliest convenience.**

## **Norfolk Constabulary: NO OBJECTION**

The agent has indicated that their client will consider incorporating Secured by Design principles. General advice given regarding lighting, natural surveillance etc.

## **REPRESENTATIONS**

**THIRTY TWO** letters of **OBJECTION** from twenty two different people covering the following:-

- Unsuitable due to demographics of the area, Folgate Lane is predominantly retired people, with many living alone.
- The elderly feel intimidated by youths.
- The Local Authority have a duty to safeguard vulnerable elderly people.
- Concern regarding the age of proposed children (11 to 17 year olds).
- Applicant's statement says children will be given support to manage their behaviours and support will be given so then can step-down into foster care or safely returned home. These may be troubled teens and this will be a half-way house.
- Will there be staff present at all times?
- Fear of crime. There is another children's home approx. 0.5km from this site and this has caused issues. Vandalism and damage to property as well as verbal abuse.
- There is evidence to show fear of crime is based in reality with the Office for National Statistics (ONS) finding in December 2022 that 'more than 52% of children in had a criminal record by the age of 24.
- Children with BESD (Behavioural Emotional and Social Difficulties) is more prevalent among young people who have interacted with the criminal justice system. 1 in 5 will have been excluded from school and 4 in 5 suspended (ONS).
- Noise and disturbance caused in a very quiet area by troubled youths as well as the disturbance cause by staff arriving / leaving the site.

Planning Committee  
3 July 2023

- Road is narrow and so changeover of staff, deliveries and social care workers etc will cause disruption and disturbance.
- The location is unsuitable, quiet rural location with a narrow dark lane with no streetlights or footpaths (heavy farm traffic often going past).
- Nothing in the area for young people to do, no footpaths, amenities and limited bus service. No local school for 11-17 year olds.
- This could lead to lack of socialisation which could affect children's mental/physical health.
- Have worked with vulnerable young people and would not house them in this type of accommodation or this rural location.
- There is planning approval for a lithium battery storage facility within 0.5km with all the noise and light pollution that will bring.
- The dwelling is a family home and not a place of business or work, which will affect the character of the area.
- The building is unsuitable for the purpose proposed.
- The building is prefabricated and originally built as temporary accommodation to last for 20 years (possible asbestos).
- This building and other prefabs in Folgate Lane had long term tenants who were moved out by Freebridge as the bungalows were considered not to be suitable for human habitation, and Freebridge then sold them. How are they therefore suitable for children to live in?
- Concerns that other bungalows have been bought by the same applicant for the same purpose.
- Size is inadequate, this is only a two-bedroom bungalow, how can 2/3 people stay there? Where will staff stay, especially overnight?
- Impact upon surrounding property prices.
- The property will be overseen by NCC and supervised by qualified staff with a large number of people per child, this will be costly for taxpayers.
- Was a site notice put up at the site?
- Works have been carried out at the site without consent, a tall fence was erected with gates directly up against the highway (restricts visibility).
- An underground cable was damaged during renovation works and this caused an inconvenience to surrounding dwellings who had to rely on a generator until a transformer was replaced by energy company.
- Works have been done to the drainage at the site.
- Noise and disturbance during renovation works.
- Loss of privacy in the garden.
- The deeds state that the homes on Folgate Lane should not be used for business purposes, who will they meet this restriction?
- Query regarding the letter of support and how Derby differs from a rural village.
- Query regarding staffing levels and how these have changed over course of application.
- Applaud the applicant's intentions, helping young people, but unsure it is practical.

**THIRTEEN additional third-party OBJECTIONS and ONE petition with TWENTY-TWO signatures covering the following –**

- **A number of issues raised are similar to those previously stated and outlined in the Committee Report. New issues raised are as follows:-**
- **The agents statement says Norfolk Constabulary do not express concern about anti-social behaviour but the letter is from the Designing Out Crime officer who I suggest doesn't have access to crime records for the area or the existing Care**

Planning Committee  
3 July 2023

- Home which has children with behavioural problems. The police should be asked how many times they went to the existing home and what crimes were committed.
- Crimes from the existing home are vandalism, theft, verbal abuse of elderly, threats of violence with a weapon. The agent has stated they will be supervised at all times but not all over 16 year olds will be supervised all the time and how were crimes allowed to happen at the existing care home if they were supervised? New regulations in September 21 allow children over 16 years old to stay out all night if they wish.
  - The village is over saturated with care homes in relation to size of the village population. If the number of care homes and the number of population in the East of England are taken into account there would be one care home per 31,051 population. The Walpoles have a population of 1,576 and already have one home which is 20x the regional average. If another home is approved, they will have 40x the regional average and that will change the character of the neighbourhood with non-resident staff doing shifts that will cause noise and disturbance.
  - The applicant is based in London, and this is a business opportunity to purchase cheap property and make a profit with no facilities for children.
  - Environmental Impact with the children located in an area which cannot serve their needs (school and clubs etc) and all the additional journeys this will required for staff, deliveries etc.
  - Within 50m of the site is a working farm with animals, chemicals and fertilizer which can be a danger. The new battery storage plant is half a mile away and will be classified as hazardous.
  - Additional statistics relating to crime were submitted. ONS (Dec 22) states 15-17 year olds are 15x more likely to be criminalized if they live in care rather than other children in the community. NYAS (National Youth Advocacy Service) 2021 states 13 to 15 year olds that live in care are 20x more likely to be criminalized than children in the community. Youth Justice Reference Hub states 92% of children in care with SEN had received a custodial sentence by the age of 24. Fear of crime is a reality.
  - Cars sometimes exceed the speed limit on this single-track lane (55mph recorded and reported in the village magazine the Walpole Crier).
  - Understand that the applicant has applied to OFSTED which means that the children that will be homed there have been expelled from all schools and have social problems.
  - The report for Planning Committee was written before the closing date for comments which is 12pm on 24th May 23. How can it be written before all comments are received; this looks like due process has not been carried out. Also, how can the report be dated 5th June when the report is written before this date, is this legal?
  - The report looks biased as there are a lot more objectors than supporters but the reasons for objection are proportionally less per person than the reasons for support.
  - The Parish Council stated that they objected at the last Parish meeting, and I would think that they would have submitted their comments.
  - Object to people writing in support of the application who do not live in the vicinity of the home.
  - The building is not suitable, Tarran buildings were listed as defective in the Building Act 1984. Previous tenants were moved out as presumably Freebridge considered the cost of renovation too high and that major structural work would be required. The best solution would be to demolish it and rebuild, like number 6 is doing (no. 6 collapsed when roof was removed).

**ONE** letter of **SUPPORT** covering the following:-

- Last year proposals to convert 3 domestic properties into children's homes in Derby suburbs were met with petitions and letters of objection citing fear of crime, increase in traffic and noise. Two were approved (61 and 90 objections respectively) and one was refused (100 objections).
- The needs of vulnerable children are ignored. Kids are at rock bottom and need compassion.
- Peter Sandiford, chief executive of ICHA (Independent Children's Home Association) spoke to the BBC and highlighted how applications for new care homes are often greeted by hostility by nearby residents. "People often think about themselves rather than valuing children's wellbeing... children seen as criminals not victims treating children in care as 'the other'. Moving children out of area to other placements can make them pray to abuse.'
- Demand outstrips residential places and care homes are needed.
- Having worked in 6 children's homes in Derby, can attest to relaxed relationship enjoyed between the kids in care and the local residents.

**SIX** additional third-party comments of **SUPPORT** covering the following –

- **Children in care means the children need care. A child placed in care because their home is not a safe place, or a child with severe psychological problems needs help not being labelled an antisocial criminal. Those working in children's services provide vital work for young people in care and stability and a safe space is important.**
- **Experience of working with homeless adults and all their issues were brought about by neglect or abuse in childhood. Most troublesome neighbours are adults not children and qualified staff.**
- **As a registered manager of a children's home, this area is safe and away from risks to vulnerable children who need a safe, calm environment. There are many children that live with their own families that cause disruption and anti-social behaviour, but we do not exclude them from the community.**
- **Those working in children's services provide vital work for young people in care and stability and a safe space is important.**
- **Rather than the Council objecting and saying there is not much for them to do, they should improve the area and do something to support local youth.**

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

Planning Committee  
3 July 2023

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

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

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

### **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Flood risk
- Any other matters requiring consideration prior to determination of the application
- Crime and Disorder

**Principle of Development:**

The application site is within the development boundary of Walpole St Andrew as identified within the Site Allocations and Development Management Policies Plan 2016.

The proposal is to change the use of the existing bungalow (Use Class C3) to Use Class C2 (residential use with care). It is important to note that Use Class C3 (Dwellinghouses) includes within it Use Class 3(b) which states ‘not more than six residents living together as a single household where care is provided for residents.’

Case Law as summarised within *Hinckley & Bosworth BC v Chartwell Care Limited* (2011) states that care homes more typically fall under Use Class C2 as use ‘for the provision of residential accommodation and care to people in need of care.’ And the definition of ‘care’ as set out within Article 2 of the Use Class Order includes, ‘the personal care of children.’ There is therefore some overlap between Use Class C2 and C3 in so far as they relate to care homes. Therefore, for a proposal to require planning permission, the change of use has to be a material change of use and this applies to the overall character of the use and not just certain aspects of it.

Planning Committee  
3 July 2023



Therefore, in order to determine whether planning permission is required the council must determine whether the proposed use would fall within Use Class C2 and whether that change of use would be material.

The case of North Devon DC v FSS and Southern Childcare Ltd (2003) confirmed the view that carers who provide 24-hour care, but who are not resident, could not be regarded as living together in a household (which would be required in the context of Use Class C3(b)). Therefore, in the case of this application, where the applicant states there will be staff present on site, working in shifts, the use is considered to fall within Use Class C2. The use at the site is self-limiting given the size of the existing bungalow, however given the fact that staff will be present at the site, working in shifts, it is considered that a material change of use could occur and this will be discussed below.

The change of use of the existing bungalow (Use Class C3) to a children's home (Use Class C2) is acceptable in principle and would comply with the principles of the NPPF, Policy CS02, CS06, CS08, and CS10 of the Core Strategy 2011 and Policy DM2 and DM15 of the SADMPP 2016.

### **Form and Character:**

The proposal is for the change of use from a dwelling (C3) to a children's home for 2 resident children (C2). No physical changes to the existing dwelling are proposed as part of this application and the development is therefore unlikely to pose significant impact on the form and character of the area.

It was evident from a site visit carried out on 24th February that two new points of access and driveway/parking area had been constructed to the front of the application site onto Folgate Lane, however these do not require planning consent as Folgate Lane is not a classified road and so this can be carried out under Class B, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (consent is required from the Highways Authority).

In addition, fencing and gates had been erected, both of which exceeded 1.0m in height and was adjacent to the highway and therefore required planning permission. Following discussion with the agent it was confirmed that the fencing and gates would be relocated and lowered to no more than 1.0m which would not require planning permission (this would comply with Class A, Part 2, Schedule 2 of the Town and Country (General Permitted Development) Order 2015, as amended). The relocation and lowering of the fencing and gates will be conditioned. The agent has also confirmed that the driveway and parking area will be permeable which could therefore be constructed utilizing permitted development rights. **The erection of the fencing would require consent from the IDB, as some is within 9m of a Board maintained watercourse, however this is a separate legislative process and an informative would be placed on the decision notice.**

**Some internal alterations have taken place during the refurbishment; however these do not require planning permission (building regulations may be required). At the current time the building is a dwellinghouse and as such has permitted development rights as laid out within Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended. Should any physical alterations take place, that do not fall within these parameters then planning permission would be required. In addition, should planning permission be granted to change the use of the building to Use Class C3, then planning permission would be required for any alterations to the building.**

This application is therefore solely for the change of use of the existing dwelling.

An email from the agent dated 29th April, confirms that due to the size of the bungalow (2 bedrooms) there will be a maximum of two children resident at any one time (between the ages of 11 and 17). Two full-time supervisors (non-resident) would be at the property at any one time to oversee the children's care, welfare and transport arrangements to school and clubs etc. The supervisors would operate on a 12 hourly rotational shift arrangement. It is noted that the applicant still needs to apply to Ofsted prior to the children's home becoming operational and therefore these arrangements may need to be altered slightly depending upon the needs of the children at the home. **Part of the Parish Council objection is that detail regarding the children is not known at this time, however this is not known at this time and is a matter for OFSTED and Social Services.**

The applicants statement dated 23rd January states that the intention is to offer residential placements for children and young adults who require support to manage their behaviours and keep themselves safe, supporting them to achieve their potential so that they can step down into foster care or safely return home.

A number of objections have been received relating to the location of the proposal given the rural location and lack of amenities with no street lighting, narrow road etc. It is not for the LPA to make a judgement regarding the suitability of the location for looked after children, the proposal is within an existing residential dwelling the occupants of which would also have to rely upon the same local amenities. The applicant still has to go through the process of registering the site with Ofsted in line with The Children's Homes (England) Regulations 2015, as amended.

Concern has been expressed that the demographics of Folgate Lane are predominantly elderly, retired people who enjoy the quiet rural location and that the home will alter the character of the area, with neighbours feeling intimidated by youths. However, there would be nothing to stop a younger demographic buying the existing dwelling as the road is not restricted to older people, and an assumption cannot be made that the residents (of which there would be only two children who would be supervised) are going to cause issues.

Objections have also been received regarding the fact that the proposal is a business use in a residential location which would alter the character of the lane. While the applicant will no doubt have financial recompense and will employ staff to care for the children at the site, the aim is to provide a nurturing place for the children to live and therefore it would be expected to locate such homes in residential areas, and not in town centre / business / industrial estate location.

Due to the slightly uncertain nature regarding the number of staff (this will be finalised with Ofsted/Social Services) it is considered that a material change of use could occur for this reason and therefore consent is required. However, given the scale of the proposed development, with 2 children (maximum) and 2/4 members of staff, the proposed development is minor in nature and is considered unlikely to pose a significant impact on the immediate vicinity. Whilst there is no footpath, the scale of the proposal is similar to that of a typical dwelling of this size (the number of trip modes above the existing permitted dwelling use is not likely to be significant) and therefore in this instance it is considered acceptable and similar to its existing use.

The proposal therefore complies with the principles of the NPPF, Policies CS02, CS06 and CS08 of the Core Strategy 2011 and Policy DM2 and DM15 of the SADMPP 2016.

Planning Committee  
3 July 2023

### **Impact on Neighbour Amenity:**

Given the nature of the proposed development, which is for a change of use only, there would be no impact upon neighbour amenity with regard to overlooking, overshadowing or being overbearing. As already stated, changes to the points of access, the parking area and fencing can be carried out under permitted development rights.

There is an objection relating to loss of privacy in the garden, however the application does not physically alter the building, and it still relates to a single storey dwelling which would not cause material overlooking.

There are objections stating that the change of use is likely to lead to anti-social behaviour, which may be exacerbated by the quiet rural location with children becoming bored. This fear of crime is exacerbated by the experience elsewhere within the village where there is a children's home and there have apparently been issues regarding vandalism, damage to property, and verbal abuse. Whilst fear of crime can have an impact upon well-being and objectors state it is the duty of the Local Authority to safeguard the vulnerable elderly people in Folgate Lane, we cannot assume that the future occupants will cause a nuisance and they will be supervised. The proposal is to provide a nurturing atmosphere for vulnerable children, and it should not be predetermined that the children are going to create a disturbance due to antisocial behaviour. In addition, the small scale of the dwelling limits the number of children at the site.

There are objections that there could be additional noise and disturbance created by the increase in vehicle movements generated by the staff and deliveries etc. Given the level of staff proposed it is not considered that the number of trips generated would be hugely different from a single dwelling, and while there may be times when staff are changing shifts and there are more cars on site, there is adequate room on site for parking and manoeuvring and this is considered to be acceptable and would not cause a dis-amenity due to noise and disturbance.

**Additional third-party objections are noted, many of which are already covered in this report. Possible potential future crime is not something that would be reason to refuse the application, nor can the application be refused on the basis of the issues experienced at a different care home which is run by a third party. It is of note, as already mentioned within the report, that the dwelling could be lived in by a family, and therefore its proximity to a working farm and battery storage facility would be no different than if it is a care home. All care homes have to be registered with OFSTED and this does not determine which children will be placed in the home.**

Overall, the proposal is not considered to cause amenity issues with regard to noise and disturbance, given the level generated by the proposed use which would not be dissimilar to a single dwelling. The proposal therefore complies with para. 130 of the NPPF and Policy DM15 of the SADMPP 2016.

### **Highway Safety:**

No objection was received from the Local Highway Authority. It was noted by the Highways Officer following a site visit that works had been carried out at the site that would not accord with highways requirements.

The fencing and gates that had been erected would need to be re-erected on land that was not highway verge, and it would also be necessary to upgrade the access and set the gates back 5m from the edge of the highway. It was the Highways Officers view, and the view of your officer that the issues relating to the fencing and access can be resolved by condition.

The proposal complies with para. 110 of the NPPF, Policy CS11 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

### **Flood Risk:**

The site is located within a Flood Zone 3 and the area adjacent to the Board maintained drain on the western boundary is located within a Tidal Hazard Mapping area and an area identified as impacted by climate change with regard to surface water and Tidal 0.1% and 0.5%AEP.

Notwithstanding that a flood risk assessment has been submitted it is material that the flood risk vulnerability of the proposal is no different than its current vulnerability classification as a dwelling (both are classed as 'More vulnerable').

Consequently, there is no change in the vulnerability classification as a result of the change of use. An informative relating to the EA flood warning direct service and the preparation of a Flood Evacuation Plan will be placed on the decision notice as it is in an area affected by flooding.

### **Other matters requiring consideration prior to the determination of this application:**

Surface water drainage and foul drainage is as existing and is not amended by this change of use application.

Comments were received from the IDB relating to their Byelaws and restrictions given the proximity of the Board maintained drain along the western boundary. The letter will be referred to as an informative for the applicant's consideration/information.

A number of objections to the proposal were submitted, many of whom are addressed above, however the suitability of the dwelling has also been questioned given it is of prefabricated construction and was sold by Freebridge as it was not considered suitable as accommodation. The fact that Freebridge did not consider the prefabricated buildings economically viable to upgrade does not preclude somebody else from renovating the dwelling. It would be for Ofsted when registering the home to decide whether it was suitable accommodation.

**Further objections have been received relating to the suitability of the dwelling and that Tarran buildings were deemed as defective within the Building Act 1984. The dwelling has been refurbished by the applicant; however, this application is to establish the principle of the change of use to a children's home. It is not for the planning authority to inspect the dwelling with regards to its structural integrity and the suitability of the building is a matter for the registration process.**

There have been objections as to whether the size of the dwelling is adequate for the intended purpose. During the course of the application the number of children proposed at the site was reduced from 3 to 2 given the number of available bedrooms. It is also a matter for the regulating authority i.e. Ofsted to determine whether the size of the dwelling is adequate.

Planning Committee  
3 July 2023

Concern has been expressed that the same applicant has bought other prefabricated bungalows in the road and will also use them as children's homes. If this is the case and there is considered to be a material change of use, then planning permission would also be required. If the change was not considered to be material, as in it was the same level of use as a normal dwelling then consent would not be necessary. **The financial motivations of the applicant are not a material planning consideration in the determination of this application.**

Objections were received relating to works carried out at the site prior to planning permission being sought. This application is for a change of use and any renovations to the dwelling are not impacted by this application. Any issues that arose during the renovations, i.e. damaging an underground cable, are unfortunate and can occur when building work is carried out, but do not relate to this application. The works which were done regarding the points of access, parking and fencing will be addressed via condition.

An objection has been received regarding noise and disturbance caused during the renovation of the dwelling, however this does not relate to this change of use application.

There is an objection that the proposed change of use will impact upon property values. The increase or decrease in value of properties surrounding an application site is not a material planning consideration.

A query has been raised regarding whether a site notice was put up at the site. Two site notices were erected at the site, the first on 24th February and the second one on 4th May after there had been a change in the description of the application reducing the number of proposed children to two. Neighbour/objector letters were also sent out corresponding with the aforementioned dates.

There is an objection on the basis that the deeds relating to the homes on Folgate Lane state that they should not be used for business purposes. This is civil matter and is for the applicant to determine whether they are complying with any other legal requirements relating to their site.

There is an objection on the basis that the home will only support two children and that the number of staff required will not be very cost effective in relation the public paying tax for children's homes. The numbers of staff required to supervise the children at the home will presumably be determined by the regulations relating to children's homes. This is not material to this application.

**There is an objection that the planning committee report looks biased towards the support comments given the issues raised and the number of objectors. When third-party representations are received the main issues are summarised so that there is not repetition. The number of points raised will therefore depend upon the issues that third party representations have submitted, rather than the number of objectors. This does not represent bias but is a recording of the issues raised.**

**Planning committee reports are written in advance of the planning committee. Objections were received that the planning committee report was dated 5th June when the date it was published on the website was prior to this date. This was because the application was being considered at the Planning Committee on the 5th June. Just prior to writing up the Planning Committee report, the application description was changed from 'up to three children' to 'up to two children'. Because**

of this change in description and in line with the regulations the application was readvertised, and a site notice and consultations were undertaken, and this consultation period expired on 24th May with the site notice expiring on 28th May. At the time of writing the report it was not envisaged, due to the fact that this change in description lessened the intensity of the change of use, that there would be comments from statutory consultees or third-party representations that were significantly different from those submitted when the application was validated or that the recommendation would change. Therefore, the recommendation was written up for determination at Planning Committee and any representations received after the report was written would be included within Late Correspondence, as is the norm.

#### **Crime and Disorder:**

There are a number of objections from the neighbouring dwellings relating to 'fear of crime' issues relating to the proposed change of use. The planning application should not be prejudged on this basis as the future occupants are not known at this time and will also be supervised. Comments were received by the Police Architectural Liaison Officer which provided general advice regarding 'Secured by Design' principles.

#### **CONCLUSION:**

The scale of the proposed C2 use is of a size which would be similar to the existing use of the site as a dwelling (C3). There are no physical changes proposed to the building and therefore there would be no impact on the character and appearance of the countryside. Additionally, while it is possible that there would be slightly more visitors to the site due to staffing over and above a normal dwelling, there would be no material impact on highway safety or neighbour amenity and therefore the proposal is considered acceptable and complies with the principles of the NPPF, Policies CS06, CS08, CS10 and CS11 of the Core Strategy 2011 and Policies DM2, DM15 and DM17 of the SADMPP 2016 and the application is therefore recommended for approval.

#### **RECOMMENDATION:**

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

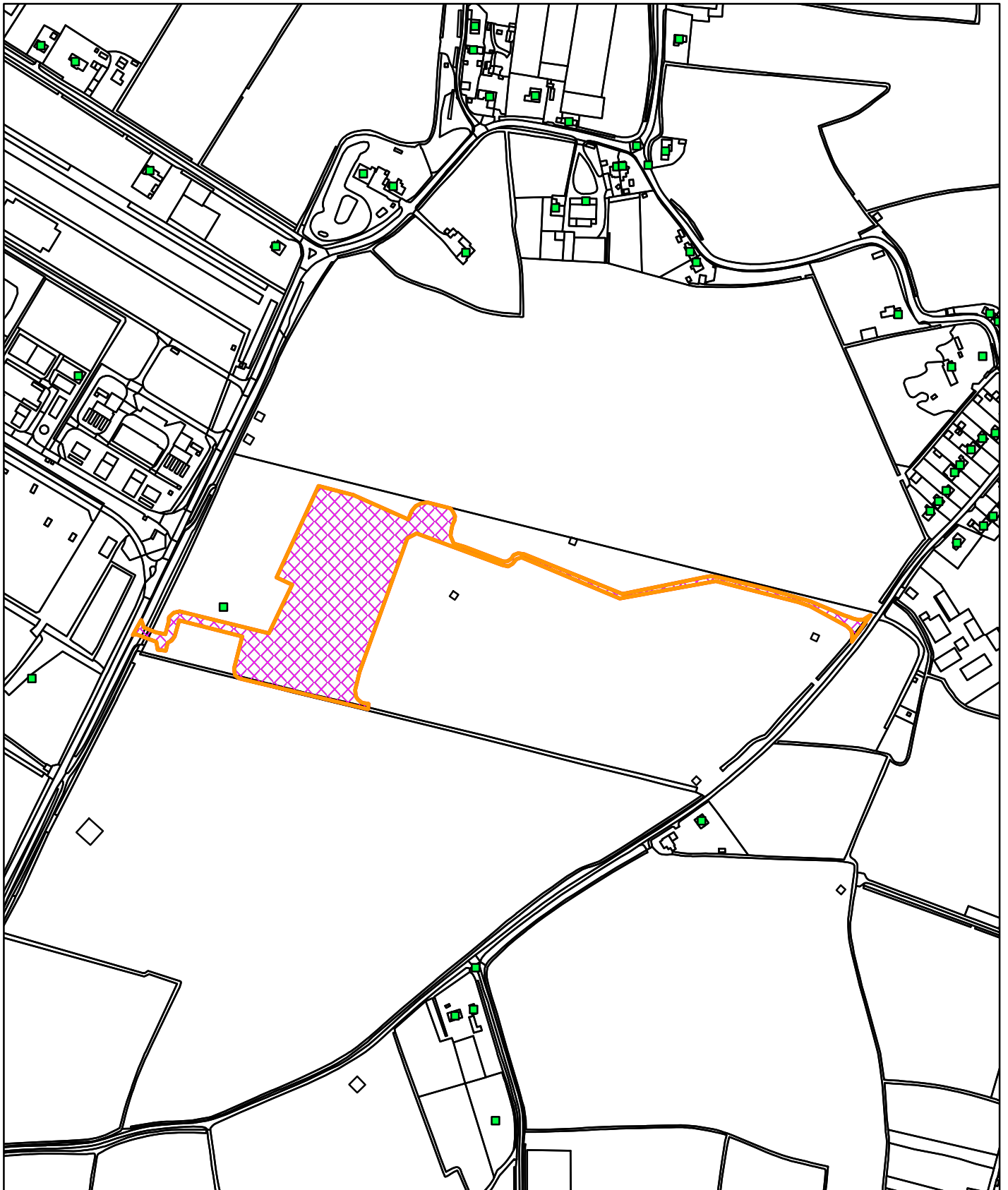
- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans 'Location / Site Plan' received by the Local Planning Authority on 25th April 2023, and 'Floor Plan' received by the Local Planning Authority on 21st February 2023.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Within eight weeks of the date of this decision, the fencing and gates that exceed 1.0m in height and encroach upon the highway verge, shall be removed and the land reinstated to its former condition.

Planning Committee  
3 July 2023

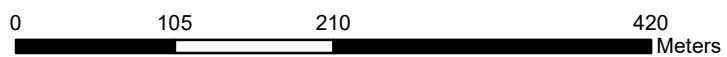
- 3 Reason: For the avoidance of doubt and to ensure that the unauthorised development is removed in a timely manner.
- 4 Condition: Prior to the first use of the development hereby permitted the vehicular / pedestrian / cyclist accesses / crossings over the verge shall be constructed in accordance with the highways specification TRAD 5 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 4 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 5 Condition: Any access gates / bollard / chain / other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- 5 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.
- 6 Condition: Prior to the first occupation/use of the development hereby permitted 2.0 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage (and additionally along the flank frontage of the adjacent property as outlined in blue on the submitted details).The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.02 metres above the level of the adjacent highway carriageway.
- 6 Reason: In the interests of highway safety in accordance with the principles of the NPPF.

22/02265/FM

Land Opposite Walpole Sub Station Walpole Bank Walpole St Andrew PE14 7JE



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20/06/2023

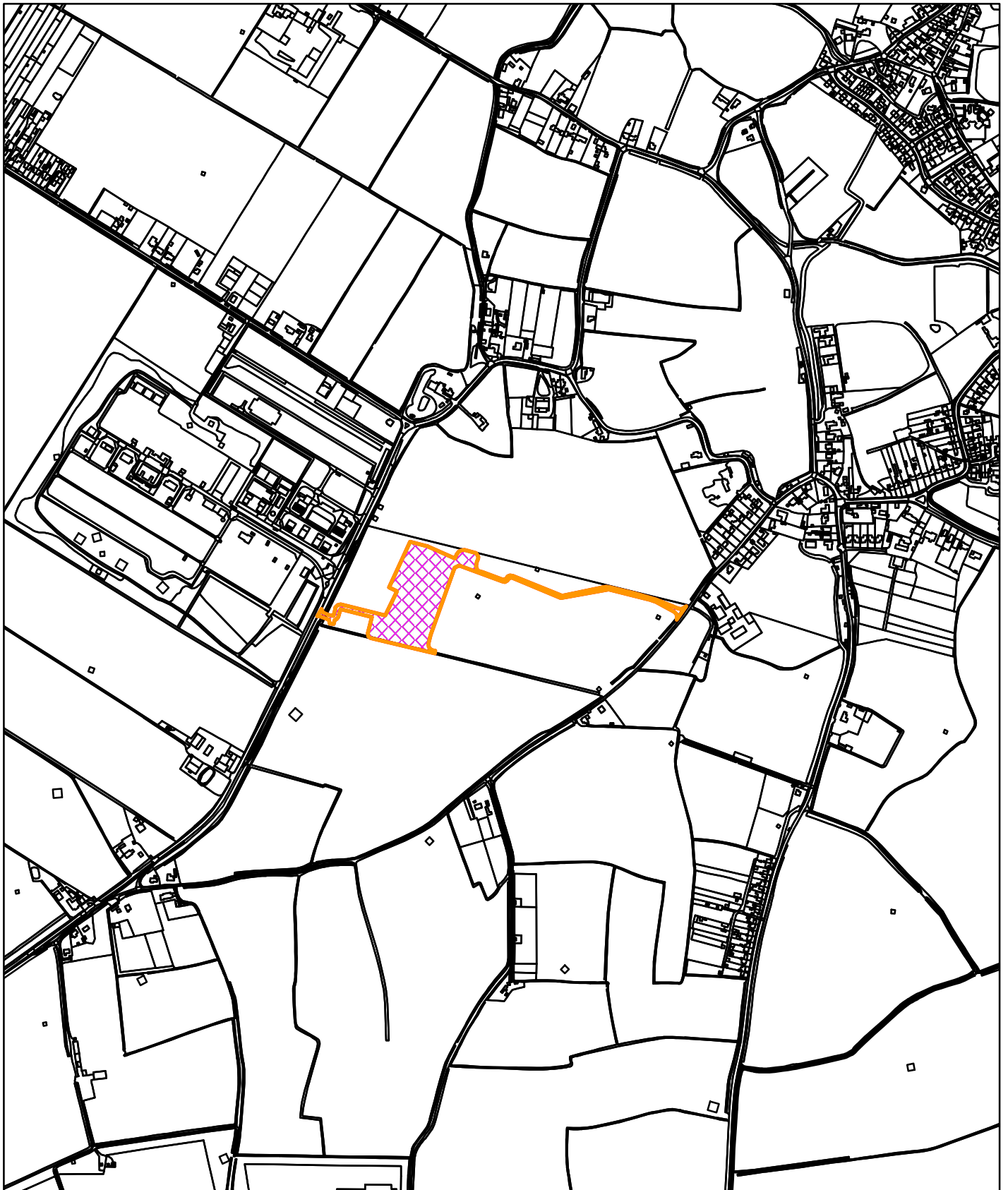
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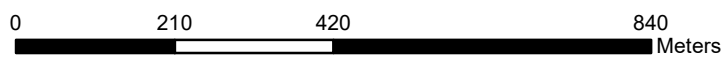


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20/06/2023

33



<b>Parish:</b>	<b>Walpole</b>	
<b>Proposal:</b>	<b>Proposed development of an energy storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid.</b>	
<b>Location:</b>	<b>Land Opposite Walpole Sub Station Walpole Bank Walpole St Andrew Norfolk PE14 7JE</b>	
<b>Applicant:</b>	<b>Henry Energy Limited</b>	
<b>Case No:</b>	<b>22/02265/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 22 March 2023 Extension of Time Expiry Date: 9 June 2023</b>

**Reason for Referral to Planning Committee** – at the discretion of the Assistant Director of Environment and Planning and the views of the Parish Council are contrary to the officer recommendation.

**Neighbourhood Plan:** No

**Case Summary**

This application is for the installation of a Battery Energy Storage System (BESS) to the east of Walpole Bank opposite from the Walpole Substation on an irregular shaped parcel of 1.8ha of agricultural land.

Principal access to the site would be off Walpole Bank via an access already approved for a further BESS adjacent to the road under application ref: 22/00438/FM. The proposal would be undertaken either consecutively or after the development of the site to the west which has already been granted Planning Permission. An emergency access is also proposed to Folgate Lane to the east

There is a land drain close to the southern boundary and an overhead power line suspended between pylons bisects the northern portion of the site.

The BESS would store excess electricity at times of low demand and then release it back into the grid when required at peak times. It would be rated at up to 100MW and would therefore be capable of serving the needs of over 280,000 homes for one hour if required.

It is anticipated that the proposed development would be operational for a period of twenty five (25) years to correspond with the adjacent BESS.

The site is located outside of the development boundary for Walpole St Andrew/Walpole St Peter/Walpole Marsh and is therefore in an area classed as 'countryside'.

The site is arable grade 1 agricultural land and in an area at high risk of flooding (Flood Zone 3A and Tidal Hazard Mapping Zone).

The BESS is considered to be 'associated infrastructure' in relation to the management and use of energy and the National commitment to carbon neutrality by 2050. It should therefore be considered in the context of Policies DM2 and DM20 of the Development Plan accordingly.

### **Key Issues**

- Principle of development
- Impact upon countryside
- Loss of high-quality agricultural land
- Flood risk implications
- Highway issues
- Ecology and biodiversity
- Impact on neighbour amenity
- Fire safety
- Other material considerations

### **Recommendation**

**APPROVE**

## **THE APPLICATION**

This application is for the installation of a Battery Energy Storage System (BESS) to the east of Walpole Bank opposite from the Walpole Substation on an irregular shaped parcel of 1.8ha of agricultural land.

Principal access to the site would be off Walpole Bank via an access already approved for a further BESS adjacent to the road under application ref: 22/00438/FM. The proposal would be undertaken either consecutively or after the development of the site to the west which has already been granted Planning Permission. An emergency access is also proposed connecting to Folgate Lane to the east.

There is a land drain close to the southern boundary and an overhead power line suspended between pylons bisects the northern portion of the site.

The BESS would store excess electricity at times of low demand and then release it back into the grid when required at peak times. It would be rated at up to 100MW and would therefore be capable of serving the needs of over 280,000 homes for one hour if required.

The applicants have indicated that they have been awarded an accepted grid connection offer issued by UK Power Networks. They would prefer that any permission would covered by a redundancy condition rather than a temporary consent, however for consistency with similar developments, a temporary operational period of 25 years would be acceptable.

The site is located outside of the development boundary for Walpole St Andrew/Walpole St Peter/Walpole Marsh and is therefore in an area classed as 'countryside'.

The site is arable grade 1 agricultural land and in an area at high risk of flooding (Flood Zone 3A and Tidal Hazard Mapping Zone).

The BESS is considered to be 'associated infrastructure' in relation to the management and use of energy and the National commitment to carbon neutrality by 2050. It should therefore be considered in the context of Policies DM2 and DM20 of the Development Plan accordingly.

The proposed development consists of the siting of 640 small modular units which would each house battery units and 31 identical modules which would control the batteries; together with 16 inverter and electrical transformers which would serve each group of 40 modules. A substation is required in order to convert the power, such that it can be exported to the grid – part of the substation would be operated by the Distribution Network Operator (DNO). A control building (for use by the DNO) is also proposed together with an auxiliary transformer and two storage containers to house spare parts. Eight columns of lighting and CCTV cameras are also provided.

The site would be accessed via a new dedicated access to the south-west of the site, via the adjoining permitted BESS site. This access would also be used during construction of the development. As stated above an emergency access is also proposed to Folgate Lane to the east to negate concerns raised by Norfolk Fire and Rescue Services.

New security fencing is also proposed together with additional drainage and landscaping.

The application is accompanied by a Planning Statement, Ecological Appraisal, Noise Impact Assessment, Flood Risk and Drainage Assessment, Archaeology Assessment, and Landscape & Visual Impact Assessment.

## **SUPPORTING CASE**

The following statement is made in support of this application:

“Electricity Energy Storage plays an essential role in enabling the transition away from Fossil Fuels. It is an essential part of the solution towards achieving clean energy which is a key element in reaching the UK’s legal commitments for Net Zero emissions by 2050 and also aligns with the Council’s own Climate Change Strategy and Action Plan. It will help the Borough Council to address the climate emergency that it announced in September 2021 and contribute towards ensuring that a stable electricity supply is available in the local area.

Both National Grid and the Committee on Climate Change have identified a need for 35GW of storage capacity by 2035 in order to support the transition to a low carbon energy grid to achieve Net Zero.

In line with both the NPPF and the Development Plan which support low carbon and renewable energy schemes where the impacts of the development are or can be made acceptable, the site:

- Has been selected close to the point of connection to the Grid and has a secured connection offer for the substation to the west;
- Is within the context of existing electricity infrastructure and is adjacent to an approved identical scale Energy Storage facility (Planning Permission 22/00438/FM); and
- Has suitable access from Walpole Bank.

Safety is a top priority for the industry. As a result, in line with the very latest industry best practice (including NFPA (National Fire Protection Association) 855 and UL (Underwriters Laboratories) 9540A test method), a range of measures are incorporated to prevent and mitigate the risk of fire including:

- Best technology selection to prevent the initiation of thermal runaway;

Planning Committee  
3 July 2023

- Appropriate spacing of equipment within the site layout design;
- Integrated temperature, smoke and fire detection and suppression system with liquid cooling to regulate battery temperature;
- A water supply of the flow rate requested by Norfolk County Council's Fire Safety Officer;
- 24 hour a day monitoring and control of all aspects of the development.

Norfolk Fire and Rescue Service do not object to the planning application subject to a condition requiring a variety of measures. The Applicant can reaffirm their commitment to continue working with the Fire Service to develop a suitable Emergency Response Plan to be secured by planning condition.

Planning guidance does refer to the use of lower quality agricultural land, where possible. However, there is no lower quality land available within the immediate area and the loss of agricultural land will be relatively limited and is reversible due to the temporary life of the permission being sought. The principle of establishing energy storage facilities in the local area has already been accepted by the Council including at the site immediately to the west.

In addition to landscaping and fencing around the site the proposal will also include off-site landscaping in order to mitigate any visual effects arising from the proposal. These will be secured via a planning condition. The proposed buildings are in any event low in height and in keeping with the character of the electrical infrastructure already within the local area.

Noise has been considered and addressed by the careful placement of acoustic fencing to ensure the development does not give rise to amenity issues.

The proposal includes beneficial landscaping and will deliver a significant level of Biodiversity Net Gain: +33.25% for habitats, +12.97% for watercourses; and for hedgerow units the gain is +100%.

The proposed Electricity Energy Storage system, subject to conditions, accords with local and National Planning Policy and so the Applicant considers that the proposal should be approved without delay. The proposal will play a significant role in contributing to the Net Zero requirements as well as assisting the Borough Council in responding to the climate emergency that it has announced."

## **PLANNING HISTORY**

Adjoining site to west:

22/00438/FM: Application Permitted: 20/09/22 - Development of an energy storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid. (Delegated decision)

Adjoining site to east:

22/02021/FM: Decision pending: Erection of a Renewable Battery Energy Storage System and associated infrastructure including access and landscaping. (Committee decision - Reported within this agenda)

## RESPONSE TO CONSULTATION

**Walpoles Parish Council: OBJECT** The Parish Council are very concerned that this is the 4th such application and not one has yet been built. The site is very close to properties in Folgate Lane which is a single track road and not suitable for HGVs. Battery storage units are not in containers, but are separate units which is totally unacceptable. Where are they going to connect to and there are already 6/7 sites within a 4 mile circle. Community concerns regarding fire risks, flooding, light pollution and taking up valuable arable land. The landscaping does not show any hedging or height to prevent the buildings being seen from the road.

**Local Highway Authority (NCC): NO OBJECTION** subject to conditions relating to access construction, gates set back, gradient not exceeding 1:12 for first 15m into the site, visibility splays and Construction Management Plan provision.

**Lead Local Flood Authority (NCC): NO COMMENTS**

**King's Lynn Internal Drainage Board: NO OBJECTION-** Strongly recommends that Land Drainage Consent is sought from the Board prior to determination of this planning application as byelaw issues apply.

**Environment Agency: NO OBJECTION** subject to the mitigation measures contained in the Flood Risk Assessment are adhered to via condition.

**District Emergency Planning Officer: NO OBJECTION** subject to condition relating to signing up to AW's Flood Warning System, installation of services at high level and preparation of a flood evacuation plan.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to condition relating to unexpected contamination during construction/development plus provision of Electric Vehicle charging points for future maintenance vehicles.

**Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION** subject to conditions regarding acoustic fencing installation, lighting details and construction management plan.

**Historic Environment Services: NO OBJECTION** subject to conditions relating to archaeological investigations.

**Anglian Water: NO COMMENTS** - The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout.

**Norfolk Fire & Rescue Service: NO OBJECTION** subject to the proposal meeting the necessary requirements of the current Building Regulations 2010 – Approved Document B (volume 2 – 2019 edition) as administered by the Building Control Authority plus a condition regarding fire safety measures.

**Natural England: NO OBJECTION** - the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Senior Ecologist: NO OBJECTION** subject to conditions to secure implementation of ecology enhancements.

Planning Committee  
3 July 2023

**Norfolk Constabulary (Architectural Liaison Officer): NO OBJECTION** comments offered on Secured by Design issues.

## **REPRESENTATIONS**

A total of **SIX** items of correspondence received, **OBJECTING** on the following summarised grounds:

- Noise and light impact on the nearby residences
- Food security – loss of high-grade agricultural land
- Impact upon archaeology
- Impact upon character of this locality
- Flood risk
- Green credentials of production of this type of technology
- Fire safety
- National security – terrorist target
- Cumulative impact
- Construction period chaos and safety on road network
- Loss of habitat

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**DM20** - Renewable Energy

## NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Powering Up Britain Strategy (2023)

Net Zero – The UK’s Contribution to Stopping Global Warming Reducing UK Emissions – 2020 Progress Report to Parliament Overarching National Policy Statement for Energy (EN-1)

Draft National Policy Statements EN-1 and EN-3 (2023)

## OTHER GUIDANCE

Climate Change Committee: Progress in Adapting to Climate Change 2023 Report to Parliament

## PLANNING CONSIDERATIONS

**The main considerations are as follows:**

- Principle of development
- Impact upon countryside
- Loss of high-quality agricultural land
- Flood risk implications
- Highway issues
- Ecology and biodiversity
- Impact on neighbour amenity
- Fire safety
- Other material considerations

### **Principle of development:**

The site is located within an area defined as the countryside.

Both National and local planning policy and guidance seek to retain the countryside for its amenity value, intrinsic character and beauty and agricultural provision.

Paragraph 174 of the NPPF, 2021 states: *‘Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local*



*environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans, and ...'*

Development Plan Policy CS01 seeks to *protect the countryside beyond the villages for its intrinsic character and beauty, the diversity of its historic environment; landscapes; geodiversity and biodiversity...*

With DPP CS06 expanding upon this by stating that: *'Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.'*

However, National and local planning policy and guidance also place significant importance on renewable energy.

Paragraph 155 of the NPPF states: *'To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development, and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.'*

Paragraph 158 states: *'When determining planning applications for renewable and low carbon development, local planning authorities should:*

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

Local Plan Policy CS08 states: *'The Council and its partners will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.'*

*Renewable projects should be assessed accordingly (where necessary by project level Habitat Regulation Assessment) to ensure minimal ecological impact and should undergo a detailed cumulative impact assessment.'*

Policy DM2 of the SADMPP acknowledges that some development may be required outside of the development boundaries within countryside stating: *'The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including...*

*\* renewable energy generation (under Policy DM20 of the rural economy or to this Plan)'*

Policy DM20 of the SADMPP states: *'Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:*

*\* Sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSIs) and Ramsar Sites*

*\* The surrounding landscape and townscape*

*\* Designated and non-designated heritage assets, including the setting of assets; ecological interests (species and habitats)*

*\* Amenity (in terms of noise, overbearing relationship, air quality and light pollution)*

*\* Contaminated land*

*\* Water courses (in terms of pollution)*

*\* Public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks), and*

*\* Tourism and other economic activity.*

*In addition to the consideration of the above factors, the Borough Council will seek to resist proposals where:*

*a) There is a significant loss of agricultural land; or*

*b) Where land in the best and most versatile grades of agricultural land (grades 1, 2 and 3a) are proposed to be used.*

*Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.'*

As such there is some conflict between these two overarching aims (protection of the countryside/high grade agricultural land and provision of renewable energy) and a balance is therefore required.

This application reflects the changes in legislation pertaining to the Nationally Significant Infrastructure Project ('NSIP') regime. In 2020, the UK Government announced that the caps on battery storage capacity for planning applications in England and Wales (50 MW and 350 MW respectively) would be removed. This means a battery storage proposal which exceeds these thresholds will no longer be considered an NSIP, and all applications for battery storage, regardless of their size, will be determined by local planning authorities. This proposal is for a facility with capacity just over 100MW and therefore falls within our remit.

The battery storage installation is being proposed to facilitate a more consistent supply of energy to the National Grid and to consolidate the battery storage capacity close to the existing power station.

The proposed installation may utilise excess power that may be generated at certain times of the day, store this power on-site and then export it back to the National Grid during periods when demand increases.

Whilst not specifically generating renewable energy, the BESS is considered to be 'associated infrastructure' in relation to the management and use of energy and the National commitment to carbon neutrality by 2050. It should therefore be considered in the context of Policies DM2 and DM20 of the Development Plan accordingly.

This will be explored below. However, it must be noted that a similar sized BESS (1.6ha) has already been approved to the immediate west of this site under application ref: 22/00438/FM for a temporary 25 year period.

### **Impact upon countryside**

The Landscape Character Assessment produced by Chris Blandford Associates in 2007 and used to inform the Core Strategy, places this site within an area categorised as: The Fens – Settled Inland Marshes – D3: Terrington St John and adjacent to D2: Walpole, Terrington and Clenchwarton.

The application is accompanied by a Landscape & Visual Impact Assessment (LVIA) with 9 representative viewpoints in a 3km radius of the site. This considers the development and mitigation measures in the form of landscaping proposals and assesses the likely impact upon the area, plus cumulative impact with other proposals in this vicinity.

The site of the Proposed Development when completed would lie in an area of arable farmland adjacent to Walpole Substation and immediately adjacent to the adjoining approved Walpole Energy Storage Facility and crossed by multiple pylons, carrying 400 kV powerlines. While the land use is agricultural, the immediate and wider context of the proposed development contains many electrical infrastructure elements. The adjoining approved BESS facility is another element of this, and the Proposed Development would add to this. The landscape sensitivity of the Application Site and the surrounding land is considered to be **Low** to this type of development given the existing substation and pylons etc. The Proposed Development of a series of energy storage units adjacent to the completed energy storage facility would have a **Small** magnitude of impact on this area of farmland. The landscape proposals reintroduce hedgerows in the landscape.

At winter of Year 1, , the significance of effect would be **Minor adverse**, which is not significant. As the proposed planting matures, it would be managed to a height of 3 to 4 m and the units and noise fence would be screened by the summer of Year 10. The landscape proposals would assist in mitigating the change in the use of the land and the effects would reduce to **Negligible beneficial**, which is not significant.

Your officers agree with this conclusion. Set in this context, it is considered that the proposal would not significantly detract from the appearance and character of this part of the countryside. This is effectively an increased sized facility with similar enclosure (2.4m high green paladin mesh fencing) and landscaping (485m of native species rich hedge) as that adjoining to the west. For acoustic reasons being closer to dwellings on Pigeon Street and Folgate Lane, the north and east boundaries however comprise 3.5m high timber panel acoustic fencing. This would initially create a solid barrier but would be ‘softened’ with the proposed external landscaping around the compound. As the landscaping matures, the visual impact would diminish as indicated above.

In conjunction with the neighbouring BESS permission, additional planting is also committed/proposed in the NW corner of the field adjoining the junction of French’s Road and Walpole Bank where the road chicanes and currently has exposed views to the south. This would ‘square off’ a small parcel of margin land which would have a minimal effect upon crop production.

In response to the Parish Council’s concerns and in conjunction with application ref: 22/02021/FM, the introduction of an indigenous hedgeline on the northern side of Folgate

Lane has been negotiated to create foreground screening along this public route where open views are most obvious. This amounts to approx. 800m of new hedging. This technique has been used in connection with the synchronised condenser proposal authorised under application ref: 22/01616/FM adjacent to Rose Hall Farm to the SW of the Substation. This planting can be secured via condition as this is 'blue land' in the ownership and control of the applicants. This would also have significant biodiversity benefits.

The equipment and buildings (2.3m – 4.5m high) will be mostly screened to the north and east by the proposed line of 3.5m high acoustic fencing. The equipment and buildings may alter slightly at the detailed design stage depending on the DNO and may also be painted in an appropriate colour scheme - this shall therefore be agreed by condition. There are areas of meadow grassland plus wildflower verges to the west, north and east of the compound. The hedgerow and planting proposed to 'soften' the appearance of the development and assimilate it into its setting, combined with additional significant ecological benefits, may also be controlled via condition.

The development would be mostly screened from Pigeon Street to the north due to established roadside hedging and mature gardens to dwellings. It would however be seen from public vantage points along Walpole Bank which is elevated, and the more exposed Folgate Lane to the south, but from that direction it would be seen in context with the existing electricity facility, pylons and overhead cabling as a backdrop.

On balance, given the separation distances involved from lower lying public areas to the east and the proposed localised mitigating landscaping measures, the effect upon the character and appearance of this locality would not warrant grounds for refusal. The development is capable of being compatible to the provisions of the NPPF and Policies CS06, CS08, DM2 and DM20 of the Development Plan.

### **Loss of high-quality agricultural land**

Paragraph 174 of The National Planning Policy Framework (NPPF, 2021) states that planning policies and decisions should contribute to and enhance the natural local environment by recognising the 'economic and other benefits of the best and most versatile agricultural land'.

At Annex 2 of the NPPF, 'best and most versatile agricultural land' is defined as 'land in grades 1, 2 and 3a of the Agricultural Land Classification'.

Under the Natural England Agricultural Land Classification (provisional for England), the site (and surrounding area) is classed as Grade 1 farmland. Although the proposed development is located within a field of 'best and most versatile agricultural land', there are extensive areas of Grade 1 farmland surrounding the site. Given the relatively small footprint of the proposed compound (1.2ha), removal of the site area from agricultural use will not have a significant impact on the productivity of the farm as a whole and, in terms of Policy DM20, is not considered to be a significant loss of agricultural land.

Whilst development is proposed on grade 1 arable land, its temporary loss from production (25 years to correspond with that adjoining) would be off-set by the significant sustainable benefits to the community gained from electricity storage/production. There are also significant biodiversity benefits associated with the landscaping proposal which will be discussed below. As stated above, the development is believed to be totally reversible and could return to agricultural use at the end of its lifespan. Once again this may be covered via condition.

The proposal therefore accords with Policies DM2 & DM20 of the SADMPP. With regards to the NPPF, the proposal accords with Paragraph 158, but there is conflict with Paragraph 174; however, this will be addressed in the Planning Balance/Conclusion below.

### **Flood risk implications**

The site lies in Flood Zone 3A of the SFRA and Tidal Hazard Mapping Zone produced by the EA; the application is accompanied by a site-specific FRA. This proposed development comprises 'essential infrastructure' which, according to national flood risk guidance, is compatible to FZ3 subject to passing Sequential and Exception Testing.

In terms of Sequential Testing there are no alternative reasonably available sites in lower flood risk zones capable of taking this development. It is proposed in this location as it is co-located to the Substation and linkage to the national grid.

Whilst in Flood Zone 3A and THMZ, the application is accompanied by a site-specific Flood Risk Assessment (FRA). In terms of mitigation, it is proposed to raise the electrical equipment approx. 0.6m above existing ground level (0.3m above EA's predicted flood water level) and in case of a flood, the agent informs that the equipment would be fitted with circuit breakers to isolate the facility from the network.

The Environment Agency raises no objection to this proposal subject to condition. Lessons learned from the BESS proposal at Saddlebow (22/01151/FM) required details of a scheme to dispose of foul and surface water and for a scheme to contain and dispose of any contaminated water resulting from firefighting in the event of a fire.

Ground conditions are not suitable for infiltration of surface water run-off into the ground. A sustainable approach to surface water management is proposed using SuDS techniques that direct run-off into a detention basin towards the south of the compound for storage and controlled discharge off-site to the local ditch system. The off-site discharge is to be limited to 2.0 l/s/ha for the site. The use of Filter Drains and detention basin may provide water quality benefits to the receiving watercourse. This strategy complies with the requirements of Planning Policy and provides a sustainable approach to surface water management. The IDB are aware of this proposal and the discharge will require their consent under the provisions of the Land Drainage Act.

It is concluded that the proposed development meets the exception test as the development would provide wider sustainability benefits that would outweigh flood risk, and it has been designed to mitigate and adapt to climate change and is not expected to increase the risk of flooding elsewhere. As such, the scheme complies with Policy CS08 of the Core Strategy, PPG and Section 14 of the NPPF.

### **Highway issues**

Access to the site is proposed via a new junction off Walpole Bank close to the access point into Walpole Substation.

This route and standard of construction have already been agreed under the earlier approval ref: 22/00438/FM.

A detailed Construction Traffic Management Plan and Access Route is requested by NCC which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway and comprehensive phasing. This may be secured via condition. Additional

conditions are suggested in relation to the access construction specification and gradient to correspond with the aforementioned permission on the adjoining site.

As stated above, an emergency access connecting to Folgate Lane to the east (via the adjacent proposal ref: 22/02021/FM) has been negotiated to meet the requirements of the Norfolk Fire and Rescue Services. This is considered to be acceptable to the Local Highway Authority.

The proposal therefore accords with Policies CS08, CS11 & DM15 of the Development Plan.

### **Ecology and biodiversity**

There are no statutory or non-statutory designated sites within a 2km radius which will be affected by the proposed works. The application is accompanied by an Ecological Appraisal which states inter alia that:

- a) Limited potential for protected species or other species of conservation significance; and
- b) Landscaping proposals for the site include the provision of a significant length of new native species-rich hedgerow, the creation of areas of grassland including meadow grassland and the creation of a surface water attenuation basin. These habitats will provide an overall enhancement compared to the existing arable land.

In respect of biodiversity, there would be a net gain as follows: For habitats a 33.25% net gain; for watercourses a 12.97% gain; and for hedgerows a 100% net gain. (All exceeding the target of 10% set out in the Environment Act 2021.) This has been appraised and confirmed by our Senior Ecologist.

In respect of planning policy, the development complies with Policies CS12 and DM15 together with paragraph 174 of the NPPF in that it has appropriately considered biodiversity and ecological matters and will deliver a substantial net gain in biodiversity.

### **Impact upon neighbour amenity**

The application is accompanied by a Noise Impact Assessment produced by RPS which assesses the cumulative impact of both the approved and proposed schemes; it concludes as follows: "The nearest NSRs were identified as: the residential receptor on Wisbech Road (NSR A), which is located approximately 250 m north of the site boundary; the residential receptor at Rose Hall Farm (NSR B), located approximately 300 m south-west of the site; and the residential receptor on Folgate Lane (NSR C), approximately 400 m to the south-east of the site boundary.

The assessment was carried out in accordance with the British Standard BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' methodology, which is the industry standard for assessment of commercial and industrial sound.

With mitigation measures included, i.e., 3.5 m absorptive acoustic noise barriers and enclosures surrounding the battery modules, the BS 4142:2014+A1:2019 assessment carried out for the cumulative scheme (both the Approved Scheme energy storage facility and this new scheme) shows that the likelihood of adverse impact would be negligible to medium risk at all receptors. However, taking the context into consideration, this is reduced to a negligible to low risk for adverse impact for all receptors during both daytime and night-time. It is therefore concluded that the sound arising from the operation of the facility is in accordance with the relevant national and local planning policy."

This conclusion/view is shared by our CSNN colleagues with the inclusion of a linkage of the acoustic fencing between the approved and proposed developments (amended plans submitted to demonstrate this requirement), and the mitigation measures may be secured via condition.

The application will require a Construction Traffic Management Plan which would cover such things as dust suppression and wheel washing facilities. Once again this may be secured via condition. Hours of construction were restricted on the adjacent BESS to be 0830 – 1700 hours Monday to Friday and 0830 – 1300 hours on Saturdays; for consistency this can be repeated.

As a result, the amenity of the nearest dwellings will be protected, complying with Policy DM15 and DM20 of the Local Plan in respect of noise, dust etc.

### **Fire safety**

Concerns have been raised by the Parish Council and local residents with regards to fire precautions and refer to coverage of instances of fires at similar facilities most notably an incident in Merseyside some years ago.

In response to these concerns the agent states as follows:

“Safety is a top priority for the industry. As a result, in line with the very latest industry best practice (including NFPA (National Fire Protection Association) 855 and UL (Underwriters Laboratories) 9540A test method), a range of measures are incorporated to prevent and mitigate the risk of fire including:

- Best technology selection to prevent the initiation of thermal runaway;
- Appropriate spacing of equipment within the site layout design;
- Integrated temperature, smoke and fire detection and suppression system with liquid cooling to regulate battery temperature;
- A water supply of the flow rate requested by Norfolk County Council’s Fire Safety Officer; and
- 24 hour a day monitoring and control of all aspects of the development.

Norfolk Fire and Rescue Service do not object to the planning application subject to a condition requiring a variety of measures. The Applicant can reaffirm their commitment to continue working with the Fire Service to develop a suitable Emergency Response Plan to be secured by planning condition.”

With the addition of the emergency access route, the overall/combined sites have potential access on adopted roads from two directions (from the west and east) which would afford access to fire services in response to an emergency. It will be noted that the consultation response from the Norfolk Fire & Rescue Service has not objected to this proposed development, subject to conditions covering fire risk and mitigation strategy, emergency response plan, transport strategy, automatic detection and fire suppressant systems, water supply and fire spread containment methods plus the emergency access provision.

Looking at recent Planning Inspectorate appeal decisions, a comprehensive condition has been used for a Battery Safety Management Plan to be produced prescribing measures to facilitate safety during construction, operation and decommissioning of the BESS. This would cover all the aforementioned elements and is considered to be current best practice.

National Grid have issued a licence to connect to the network so there is capacity available, and they would ensure that there are no adverse implications relating to their infrastructure.

With the aforementioned measures to be secured via condition, the proposal would accord with Policy DM15 of the SAMPP.

### **Other material considerations**

*Archaeology:* Historic Environment Services indicate that previous archaeological investigations in the east of the application site have recorded various features, deposits and artefacts Anglo-Saxon and medieval date. Pottery of medieval date has been found within the application site.

Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. A programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205 can therefore be secured via condition.

*Crime and disorder:* There are no significant crime and disorder issues raised by this proposed development. Whilst the facility would be un-manned during the operation phase, CCTV cameras and infra-red lighting mounted on 8no. 4m high columns are proposed to ensure security of the facility without adversely affecting light pollution. It is not unusual for facilities such as this to be monitored and controlled remotely.

*Contamination:* The information submitted does not indicate the presence of significant land contamination. However, the presence of an infilled former drain means that is possible that some unexpected contamination could be present. This may be covered via condition.

*Environmental impact assessment:* The proposal has been formally screened and does not require Environmental Impact Assessment. This has been confirmed under separate cover.

### **PLANNING BALANCE/CONCLUSION**

Whilst the temporary (25 year) loss of grade 1 agricultural land is recognised (Paragraph 174(b) of the NPPF), in the planning balance it is clear that considerable weight should be attached to the benefits associated to the production and management of sustainable energy as we push towards the national target of Net Zero emissions before 2050. This is strongly supported in national policy guidance, as well as the Council's own planning policy. It also aligns with the Council's own Climate Change Strategy and Action Plan.

This is a relatively small area of land (1.8ha) which, even combined with the adjoining proposals, would not create a significant detrimental effect upon productivity of the farm itself or that sector taken wholistically. In terms of Policy DM20, it is also not considered to be a significant loss of farmland.

It would also be seen in context with existing and proposed/approved infrastructure nearby, and, with the introduction of associated landscaping, would not significantly affect the appearance and character of its wider countryside setting. It is therefore considered to be acceptable on landscape impact grounds.

There are no technical issues that cannot be dealt with via planning conditions and no objections from statutory consultees. Adverse impact upon residential amenity can be suitably

Planning Committee  
3 July 2023



controlled through mitigation measures such as acoustic fencing plus a Construction Traffic Management Programme (CTMP). Most notably there is no objection from the Norfolk Fire & Rescue Service to the scheme on safety grounds, and a safety plan can be suitably conditioned (as used by the Planning Inspectorate).

Overall, the proposal is considered to accord with the provisions of the NPPF, NPPG, Policies CS01, CS06, CS08, CS11 & CS12 of the Core Strategy (2011) and Policies DM1, DM2, DM15, DM17 & DM20 of the SADMPP (2016). It is therefore duly recommended for approval subject to certain conditions stated below.

## **RECOMMENDATION:**

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: With the exception of the details required in connection with Condition 7 below, the development hereby permitted shall be carried out in accordance with the following approved plans: 21/16/301/01 Revision A, 21/16/301/02 Revision A, 21/16/301/03, P3090(08)-175-01 & P3090(07)-175-01.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity is first taken from the grid network (the first Import Date), this date to be notified in writing to the Local Planning Authority. By the end of the 25 year period the battery storage installation shall be decommissioned. No later than 6 months after decommissioning, all related structures, containers, equipment and infrastructure shall be removed and the site restored in accordance with a restoration scheme which has been submitted to and approved in writing by the Local planning Authority. The restoration scheme shall be submitted to the Local Planning Authority no less than 6 months prior to decommissioning. The Local Authority must be notified of the cessation of electricity importation and exportation in writing no later than 5 working days after the event.
- 3 Reason: To define the terms of this permission as the application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and Core Strategy Policies CS06 and CS12 of the LDF.
- 4 Condition: If the development hereby permitted fails for a continuous period of 12 months to supply electricity to the grid network, then, unless otherwise agreed in writing with the Local Planning Authority, the containers and associated buildings, equipment and infrastructure shall be decommissioned and removed from the site in accordance with a

Planning Committee  
3 July 2023

scheme to be submitted to the Local Planning Authority no more than 3 months after the end of the 12 month period. The land shall be reinstated in accordance with the scheme within a period of 6 months after the end of the 12 month period.

- 4 Reason: The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and Core Strategy Policies CS06 and CS12 of the LDF.
- 5 Condition: The landscaping (including a new hedgerow along the northern side of Folgate Road, the details of which shall have been previously agreed in writing by the Local Planning Authority, on blue land shown on Drawing No. 21/16/301/02 Revision A) shall be implemented in accordance with the details submitted and contained in the approved plan: 21/16/301/01 Revision A.
- 5 Reason: To assimilate the development into its countryside setting, in the interests of visual amenity and nature conservation and accord with the provisions of the NPPF and Core Strategy Policy CS12 of the LDF.
- 6 Condition: The approved landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs/plants which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.
- 6 Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and nature conservation and accord with the provisions of the NPPF and Core Strategy Policy CS12.
- 7 Condition: Notwithstanding the plans submitted, prior to installation, full details of the battery units, store rooms, control rooms, structures and equipment (including the colour scheme), shall be submitted to, and agreed in writing by, the Local Planning Authority. The units and structures shall be painted in accordance with the agreed colour prior to commencement of use and shall be maintained in that condition thereafter.
- 7 Reason: In order to assimilate the development into its rural setting in accordance with the provisions of the NPPF and Core Strategy Policy CS08.
- 8 Condition: With the exception of the measures required by Condition 22 below, the development shall be carried out in accordance with the mitigation measures contained in the submitted flood risk assessment and surface water drainage statement (FRA) undertaken by RPS Group (ref: HLEF81911, dated: 01 August 2022). In particular, they include:
  - The battery modules, array feeder substations and intake substation are to be raised 0.6m above ground level.
  - The inclusion of flood resilient construction.

The mitigation measures shall be fully implemented prior to commencement of use and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Planning Committee  
3 July 2023

- 8 Reason: In order to protect the development at times of high risk of flooding and to accord with the provisions of the NPPF and Core Strategy Policy CS08.
- 9 Condition: The infra-red lighting scheme shall be implemented as per the approved plans (Drawing Nos. 21/16/301/01 & P3090(08)-175-01) prior to the commencement of use of the development and thereafter maintained and retained as agreed.
- 9 Reason: In the interests of minimising light pollution, impact on ecology, and to safeguard the amenities of the locality in accordance with the NPPF.
- 10 Condition: Notwithstanding the submitted details, prior to the commencement of any works a Construction Traffic Management Plan and Access Route, which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway and wheel washing facilities for construction and decommissioning vehicles, shall be submitted to and approved in writing with the Local Planning Authority, together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- 10 Reason: In the interests of maintaining highway efficiency and safety and to ensure that no other local roads are used by construction traffic, and to accord with the provisions of the NPPF and Core Strategy policy CS11 of the LDF.
- 11 Condition: For the duration of the construction period, all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless otherwise approved in writing by the Local Planning Authority.
- 11 Reason: In the interests of maintaining highway efficiency and safety, and to accord with the provisions of the NPPF and Core Strategy policy CS11 of the LDF.
- 12 Condition: Prior to the first use of the development hereby permitted the vehicular access indicated on the Site Layout Plan shall be constructed to a minimum width of 5 metres and provided with kerb radii of 6 metres in accordance with the Norfolk County Council industrial access construction specification for the first 15 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 12 Reason: In the interests of highway safety and traffic movement and to accord with the provisions of the NPPF and Core Strategy policy CS11 of the LDF.
- 13 Condition: Prior to the commencement of the use hereby permitted a visibility splay measuring 2.4 x 70 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 13 Reason: In the interests of highway safety.
- 14 Condition: For the duration of the construction and decommissioning periods deliveries and removals shall only be received at or despatched from the site between the hours of 0830 and 1700 hours Monday to Friday, 0830 and 1300 hours on Saturdays and not

at all on Sundays and Bank Holidays other than with the prior written approval of the Local Planning Authority.

- 14 Reason: In the interests of the amenities of the locality, and to accord with the provisions of the NPPF and Core Strategy policy CS08 of the LDF.
- 15 Condition: The gradient of the vehicular access shall not exceed 1:12 for the first 15 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 15 Reason: In the interests of the safety of persons using the access and users of the highway and accord with the provisions of the NPPF.
- 16 Condition: The development shall be undertaken in accordance with the mitigation and enhancements recommended in the Ecological Appraisal (Doc ref: ECO02188 Version C) compiled by RPS Group dated 24.12.2022 and submitted as part of this application, unless otherwise agreed in writing with the Local Planning Authority.
- 16 Reason: In the interests of the ecology of this locality and to accord with the provisions of the NPPF and Core Strategy Policy CS12.
- 17 Condition: No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 17 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 18 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 17 and any addenda to that WSI covering subsequent phases of mitigation.
- 18 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 19 Condition: The development shall not put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 17 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 19 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 20 Condition: The development shall be undertaken in accordance with the mitigation measures recommended in the Noise Impact Assessment (Doc ref: JAJ02833-REPT-

02-R1) compiled by RPS Group dated 14.12.2022 and submitted as part of this application, unless otherwise agreed in writing with the Local Planning Authority.

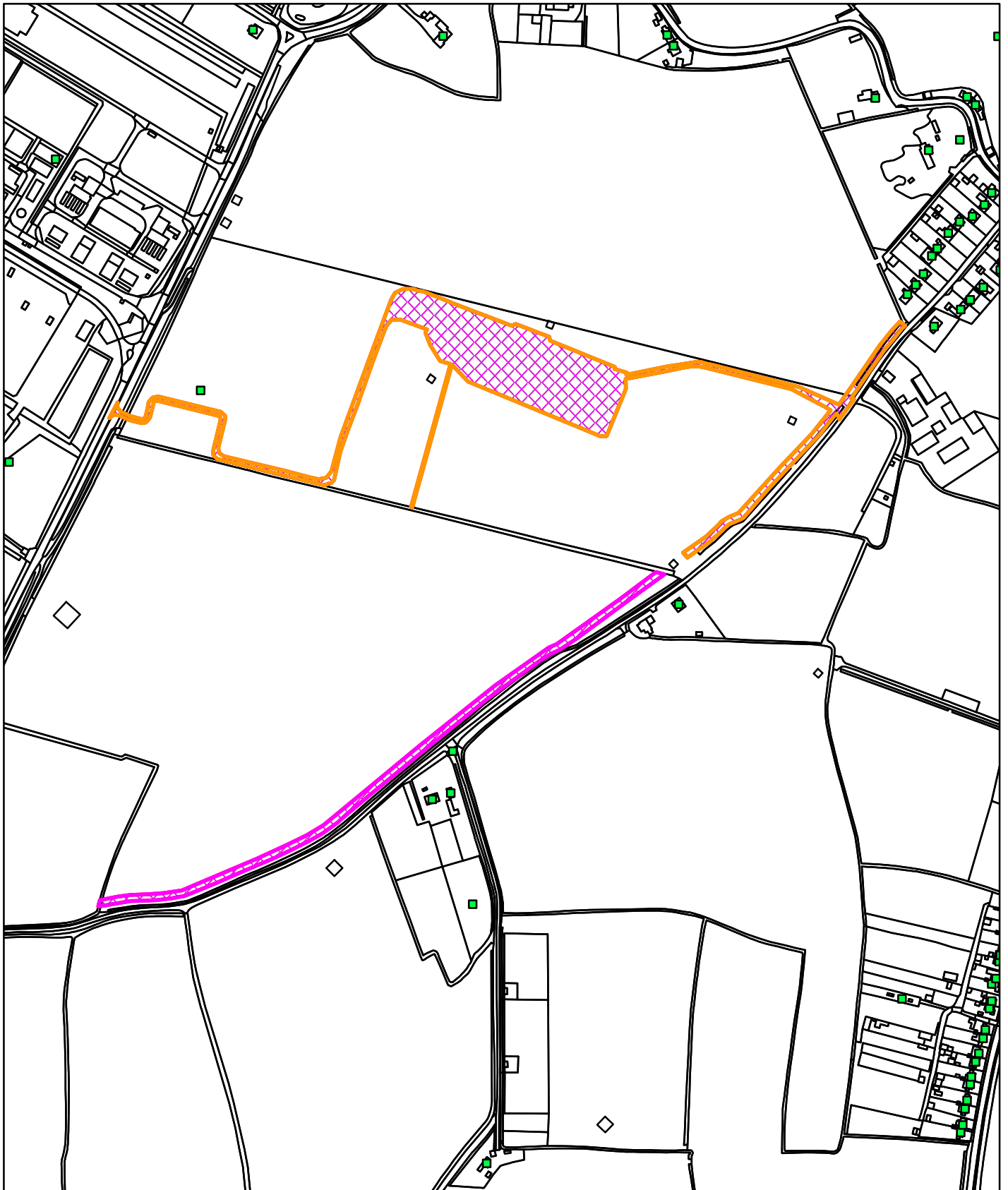
- 20 Reason: In the interests of the amenities of the locality, and to accord with the provisions of the NPPF and Core Strategy policy CS08 of the LDF plus Policy DM15 of the SADMPP.
- 21 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 21 Reason: In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF.
- 22 Condition: Notwithstanding the submitted details, the development hereby permitted shall not commence until such time as a scheme to:
- dispose of foul and surface water; and
  - contain and dispose of any contaminated water resulting from firefighting
- has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be implemented as agreed.
- 22 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 23 Condition: Prior to the first use of the Battery Energy Storage System (BESS) hereby approved, a Battery Safety Management Plan (BSMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The BSMP must define the type of batteries to be used and prescribe measures to facilitate safety during the construction, operation and decommissioning of the BESS. The BSMP shall be implemented as approved.
- 23 Reason: To secure the safe operation of the facility and to accord with the provisions of Policy DM15 of the SADMPP (2016).
- 24 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.
- Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 24 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

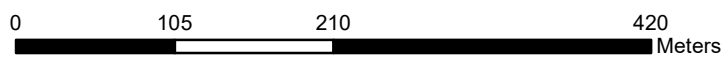
- 25 Condition: Notwithstanding Drawing no. 21/16/301/11 Revision B, prior to the commencement of use of the development hereby approved an emergency access road connecting to Folgate Lane shall be provided in accordance with details of route alignment and construction that have been previously approved in writing by the Local Planning Authority. The emergency access route shall be retained and maintained for that purpose and removed upon final decommissioning.
- 25 Reason: To secure appropriate access to the site for emergency vehicles during the lifetime of the development and to accord with the provisions of the NPPF and Policies CS11 and DM15 of the Development Plan.

22/02021/FM

Land Opposite Walpole Sub Station Walpole Bank Walpole St Andrew PE14 7JE



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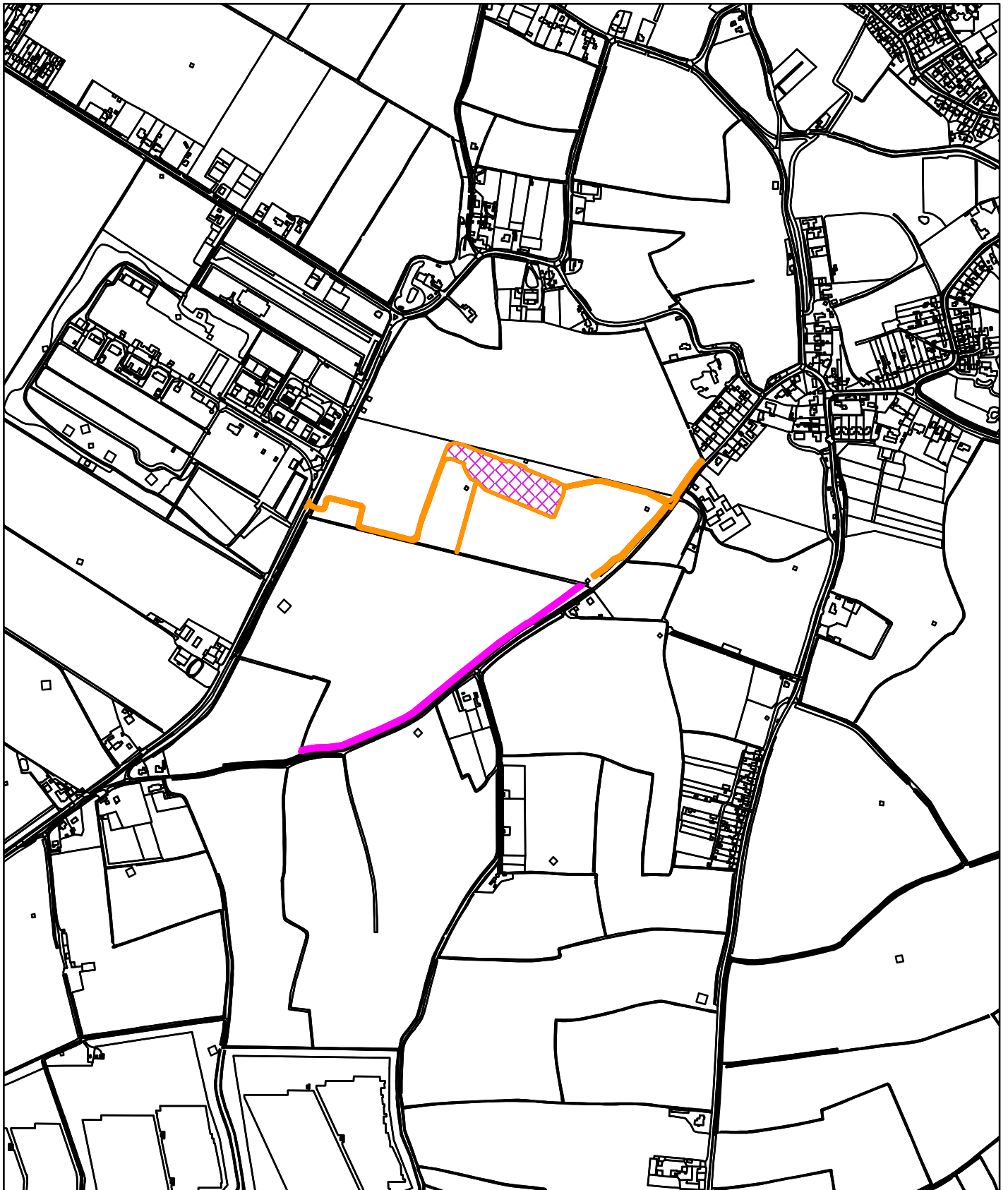
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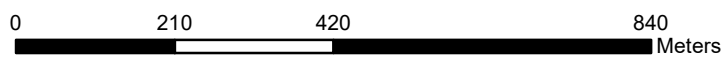


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21/06/2023

56





<b>Parish:</b>	<b>Walpole</b>	
<b>Proposal:</b>	<b>Erection of a Renewable Battery Energy Storage System and associated infrastructure including access and landscaping.</b>	
<b>Location:</b>	<b>Land Opposite Walpole Sub Station Walpole Bank Walpole St Andrew Norfolk PE14 7JE</b>	
<b>Applicant:</b>	<b>Field Devco Ltd</b>	
<b>Case No:</b>	<b>22/02021/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 7 February 2023 Extension of Time Expiry Date: 7 July 2023</b>

**Reason for Referral to Planning Committee** – at the discretion of the Assistant Director of Environment and Planning and the views of the Parish Council are contrary to the officer recommendation.

**Neighbourhood Plan:** No

**Case Summary**

This application is for the installation of a Battery Energy Storage System (BESS) approx. 350m to the east of Walpole Bank opposite from the Walpole Substation on an irregular shaped parcel of 1.1ha of agricultural land.

Primary access to the site would be off Folgate Lane to the east and there is a strip of land parallel to the northern side of Folgate Lane approx. 800m in length, plus a connection to a land drain to the south of the site. There are two BESS proposals adjoining Walpole Bank – one already approved under application ref: 22/00438/FM and a further current proposal under ref: 22/02265/FM (Henry Energy Limited) which is pending decision and reported elsewhere in this agenda. This proposal would be undertaken separately from those other schemes; however an emergency access is also proposed connecting to Walpole Bank to the west via those sites.

The site lies between two overhead power lines suspended between pylons to the north and south, but not oversailing the development proposed.

The BESS would store excess electricity at times of low demand and then release it back into the grid when required at peak times. It would be rated at up to 100MW and would therefore be capable of serving the needs of over 280,000 homes for one hour if required.

It is anticipated that the proposed development would be operational for a period of twenty five (25) years to correspond with the adjacent BESS facilities.

The site is located outside of the development boundary for Walpole St Andrew/Walpole St Peter/Walpole Marsh, and is therefore in an area classed as ‘countryside’.

The site is arable grade 1 agricultural land and in an area at high risk of flooding (Flood Zone 3A and Tidal Hazard Mapping Zone).

The BESS is considered to be 'associated infrastructure' in relation to the management and use of energy and the National commitment to carbon neutrality by 2050. It should therefore be considered in the context of Policies DM2 and DM20 of the Development Plan accordingly.

### **Key Issues**

- Principle of development
- Impact upon countryside
- Loss of high-quality agricultural land
- Flood risk implications
- Highway issues
- Ecology and biodiversity
- Impact on neighbour amenity
- Fire safety
- Other material considerations

### **Recommendation**

**APPROVE**

## **THE APPLICATION**

This application is for the installation of a Battery Energy Storage System (BESS) approx. 350m to the east of Walpole Bank opposite from the Walpole Substation on an irregular shaped parcel of 1.1ha of agricultural land.

Primary access to the site would be via a track off Folgate Lane to the east and there is a strip of land parallel to the northern side of Folgate Lane approx. 800m in length, plus a connection to a land drain to the south of the site. There are two BESS proposals adjoining Walpole Bank – one already approved under application ref: 22/00438/FM and a further current proposal under ref: 22/02265/FM (Henry Energy Limited) which is pending decision and reported elsewhere in this agenda. This proposal would be undertaken separately from those other schemes; however an emergency access is also proposed connecting to Walpole Bank to the west via those sites - although the applicant has confirmed the emergency access would be brought forward independently prior to first use of the facility if these other schemes have not been developed..

The site lies between two overhead power lines suspended between pylons to the north and south but not oversailing the development proposed.

The BESS would store excess electricity at times of low demand and then release it back into the grid when required at peak times. It would be rated at just over 100MWh and would therefore be capable of providing a 50MW output over a 2-hour period.

The site is located outside of the development boundary for Walpole St Andrew/Walpole St Peter/Walpole Marsh, so is therefore in an area classed as countryside. However, it is acknowledged that the site lies approx. 350m away from the Walpole Substation to the west

and abuts similar facilities - the roadside one having the benefit of existing planning permission.

The site is arable grade 1 agricultural land and in an area at high risk of flooding (Flood Zone 3A and Tidal Hazard Mapping Zone). There is significant apparatus associated with National Grid in the vicinity of the site.

The proposed development consists of:

- 25 sets of battery racks each containing 25 battery storage units amounting to a total of 625 units. Each set has a finished height of 2.7m and sits on a concrete plinth, raised approximately 0.3m above ground level. The BESS would have an installed capacity of up to 100 megawatts (MW);
- Battery inverters;
- Transformers;
- 132kV Distribution Network Operator (DNO) substation;
- Customer substation;
- 2.4m high steel palisade fence surrounding the site;
- 3.5m high timber acoustic fence;
- CCTV monitoring / lighting column poles (7 in total, each 4m high);
- A new dedicated access track from the east connecting to Folgate Lane, with a gated entrance;
- Limited parking (4 spaces) for maintenance vehicles;
- A surface water attenuation pond in the south-west corner;
- Landscaping and biodiversity net gain provision; and
- Secondary dedicated emergency vehicle access route from Walpole Bank.

The application is accompanied by a Planning Statement, Preliminary Ecological Appraisal, Noise & Vibration Impact Assessment, Landscape & Visual Impact Assessment, Construction Transport Management Plan, Contaminated Land Report, Battery Fire Safety Management Plan, Drainage Statement, Flood Risk Assessment & Design and Access Statement.

## **SUPPORTING CASE**

The agent has submitted the following statement in support of this application:

“There is a clear national imperative to support decentralised energy and infrastructure to enable a transition to renewable and low carbon energy networks to achieve net zero emissions, build a strong UK renewable energy sector, and stabilise energy pricing to bring down the cost of living. Battery Energy Storage Systems (BESS), such as the one proposed, are an important part of the solution.

Over the next decade East Anglia could see electricity generation increase four-fold. In the wider East of England region, large amounts of low carbon generating infrastructure, predominantly wind, are expected to connect to the grid. National Grid’s future energy scenario modelling shows that transmission-connected generation could triple compared to the current 8GW of transmission-connected generation in the region. These increases will place significant pressure on the grid network.

The benefits of battery storage are significant. The proposed BESS (100MW) by Field Devco Ltd will:

- i increase the resilience of power supply by adding to the grid storage capacity;

- ii enable a greater reliance upon renewable sources of energy through the provision of backup facilities, taking power from the grid when available and releasing it during peak demand when renewable sources are unable to generate sufficient electricity; and
- iii provide security during unplanned outages from other energy generators.

The BESS therefore represents a central tool to improve the capacity and resilience of the network as part of a more actively managed, more decentralised system.

Locating the facility near to Walpole Substation is essential to avoid inefficient transmission losses and provide a responsive, reliable supply. The grid connection must also have capacity to accept the connection – Walpole substation has the required capacity and an electrical connection for the BESS has been secured with the Distribution Network Operator, UK Power Networks, and formally accepted by the Applicant. The site therefore represents an appropriate location for the BESS, given the prevailing operational requirements of the facility.

The proposal has a strong alignment with national and local policy objectives that target the Government's sustainable energy ambitions to achieve net zero emissions by 2050. The National Planning Policy Framework (NPPF) is clear that the planning system should support the transition to a low carbon future including supporting renewable and low carbon energy. Local planning policy (adopted and emerging) encourages renewable energy generation and associated infrastructure, with the benefits of this to be weighed against the environmental effects of new development.

The technical reports accompanying the application demonstrate that the proposal will not give rise to any significant environment impacts. The applicant has worked closely with the Council's Planning Team, including preparing a comprehensive landscape scheme that goes well beyond mitigation needed for the development. Additionally, the land will be restored to agricultural use after decommissioning, with the applicant willing to accept a condition to this effect.

Overall, the requirements of the Statutory Development Plan and the overarching aims and objectives of National Planning Policy Guidance and other material national and local guidance have been met – the proposed development being appropriate at this location and bringing with it clear sustainability benefits.”

## **PLANNING HISTORY**

Adjoining sites to the west:

22/00438/FM: Application Permitted: 20/09/22 - Development of an energy storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid. (Delegated decision)

22/02265/FM: Decision pending: Proposed development of an energy storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid. (Committee decision – Reported in this agenda)

## **RESPONSE TO CONSULTATION**

**Walpoles Parish Council: OBJECT** - The site is very close to properties in Folgate Lane which is a single track road and not suitable for HGVs. Battery storage units are not in containers, but are 625 separate units which is totally unacceptable. Where are they going to

connect to and there are already 6/7 sites within a 4 mile circle. Community concerns regarding fire risks, flooding, light pollution and taking up valuable arable land.

**Local Highway Authority (NCC): NO OBJECTION** subject to conditions relating to access construction, and Construction Traffic Management Plan and Access Route submission and compliance.

**King's Lynn Internal Drainage Board: NO OBJECTION** - Strongly recommends that Land Drainage Consent is sought from the Board prior to determination of this planning application as byelaw issues apply.

**Environment Agency:** Comments awaited at the time of writing this report.

**District Emergency Planning Officer: NO OBJECTION** subject to condition relating to signing up to AW's Flood Warning System, installation of services at high level and preparation of a flood evacuation plan and evacuation routes.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions relating to contamination during construction/development plus provision of Electric Vehicle charging facility for future maintenance vehicles.

**Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION** subject to conditions regarding acoustic fencing installation, mitigation measures contained in the Noise and Vibration Impact Assessment, lighting details and hours of construction and deliveries as per the construction transport management plan.

**Historic Environment Services: NO OBJECTION** subject to conditions relating to archaeological investigations.

**Norfolk Fire & Rescue Service: NO OBJECTION** subject to the proposal meeting the necessary requirements of the current Building Regulations 2010 – Approved Document B (volume 2 – 2019 edition) as administered by the Building Control Authority plus a condition regarding fire safety measures including installation of a hydrant and emergency access route provision.

**Senior Ecologist: NO OBJECTION** subject to conditions to secure ecology mitigation measures.

## REPRESENTATIONS

A total of **FIFTEEN** items of correspondence received, **OBJECTING** on the following summarised grounds:

- Noise and light impact on the nearby residences
- Food security – loss of high-grade agricultural land
- Impact upon archaeology
- Impact upon character of this locality
- Flood risk
- Green credentials of production of this type of technology
- Fire safety
- National security – terrorist target
- Cumulative impact

- Construction period chaos, HGV vibration on foundation of dwellings and safety on road network
- Loss of habitat

**TWO** items of correspondence in **SUPPORT** of the proposed development.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**DM20** - Renewable Energy

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Powering Up Britain Strategy (2023) Net Zero – The UK’s Contribution to Stopping Global Warming Reducing UK Emissions – 2020 Progress Report to Parliament Overarching National Policy Statement for Energy (EN-1)

Draft National Policy Statements EN-1 and EN-3 (2023)

## **OTHER GUIDANCE**

Climate Change Committee: Progress in Adapting to Climate Change 2023 Report to Parliament

## **PLANNING CONSIDERATIONS**

**The main considerations are as follows:**

- Principle of development
- Impact upon countryside

- Loss of high-quality agricultural land
- Flood risk implications
- Highway issues
- Ecology and biodiversity
- Impact on neighbour amenity
- Fire safety
- Other material considerations

**Principle of development:**

The site is located within an area defined as the countryside.

Both National and local planning policy and guidance seek to retain the countryside for its amenity value, intrinsic character and beauty and agricultural provision.

Paragraph 174 of the NPPF, 2021 states: *‘Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans, and ...’*

Development Plan Policy CS01 seeks to *protect the countryside beyond the villages for its intrinsic character and beauty, the diversity of its historic environment; landscapes; geodiversity and biodiversity...*

With DPP CS06 expanding upon this by stating that: *‘Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.’*

However, National and local planning policy and guidance also place significant importance on renewable energy.

Paragraph 155 of the NPPF states: *‘To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

*a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)*

*b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development, and*

*c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.’*

Paragraph 158 states: *'When determining planning applications for renewable and low carbon development, local planning authorities should:*

*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*

*b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.'*

Local Plan Policy CS08 states: *'The Council and its partners will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.'*

*Renewable projects should be assessed accordingly (where necessary by project level Habitat Regulation Assessment) to ensure minimal ecological impact and should undergo a detailed cumulative impact assessment.'*

Policy DM2 of the SADMPP acknowledges that some development may be required outside of the development boundaries within countryside stating: *'The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including...*

- *renewable energy generation (under Policy DM20 of the rural economy or to this Plan)'*

Policy DM20 of the SADMPP states: *'Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:*

- *Sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSIs) and Ramsar Sites*
- *The surrounding landscape and townscape*
- *Designated and non-designated heritage assets, including the setting of assets; ecological interests (species and habitats)*
- *Amenity (in terms of noise, overbearing relationship, air quality and light pollution)*
- *Contaminated land*
- *Water courses (in terms of pollution)*
- *Public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks), and*
- *Tourism and other economic activity.*

*In addition to the consideration of the above factors, the Borough Council will seek to resist proposals where:*

*a) There is a significant loss of agricultural land; or*

*b) Where land in the best and most versatile grades of agricultural land (grades 1, 2 and 3a) are proposed to be used.*



*Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.'*

As such there is some conflict between these two overarching aims (protection of the countryside/high grade agricultural land and provision of renewable energy) and a balance is therefore required.

This application reflects the changes in legislation pertaining to the Nationally Significant Infrastructure Project ('NSIP') regime. In 2020, the UK Government announced that the caps on battery storage capacity for planning applications in England and Wales (50 MW and 350 MW respectively) would be removed. This means a battery storage proposal which exceeds these thresholds will no longer be considered an NSIP, and all applications for battery storage, regardless of their size, will be determined by local planning authorities. This proposal is for a facility with capacity just over 100MW and therefore falls within our remit.

The battery storage installation is being proposed to facilitate a more consistent supply of energy to the National Grid and to consolidate the battery storage capacity close to the existing power station.

The proposed installation may utilise excess power that may be generated at certain times of the day, store this power on-site and then export it back to the National Grid during periods when demand increases.

Whilst not specifically generating renewable energy, the BESS is considered to be 'associated infrastructure' in relation to the management and use of energy and the National commitment to carbon neutrality by 2050. It should therefore be considered in the context of Policies DM2 and DM20 of the Development Plan accordingly.

This will be explored below.

### **Impact upon countryside**

The Landscape Character Assessment produced by Chris Blandford Associates in 2007 and used to inform the Core Strategy, places this site within an area categorised as: The Fens – Settled Inland Marshes – D3: Terrington St John and adjacent to D2: Walpole, Terrington and Clenchwarton.

The application is accompanied by a Landscape & Visual Impact Assessment (LVIA) with 20 representative viewpoints. This considers the development and mitigation measures in the form of landscaping proposals and assesses the likely impact upon the area.

The LVIA concludes that:

“A review of the landscape designations and planning policy at the national, regional and local level has been carried out and there are no landscape ecological or heritage designations which cover the Site or its immediate setting. The Site topography and that of the wider study area is flat. The Site is currently part of a larger arable field parcel with mature hedgerow to the north of the Site.

Open and partial views into the Site are available from portions of Folgate Lane and Walpole Bank in proximity to the Site. At greater distances, further views are truncated by built form or layers of mature vegetation. Where views are available, they are often seen within the context of the built form of the existing energy infrastructure in close proximity to the Site.

The proposed development has been laid out to retain the existing landscape features including the mature hedgerow to the north of the Site, addressing the current local policy. Landscape areas to the south and east of Site will be enhanced with additional tree planting, native shrubs and wildflower meadow. Effects are anticipated to reduce over time as the proposed planting matures.

As with any development, a number of impacts arise. **Minor beneficial** effects are anticipated in relation to vegetation within the Site. **Minor to Negligible adverse** effects are anticipated to landscape character. These effects will be borne in an area that has an existing relationship with the energy infrastructure surrounding the Site and will largely be offset by the new landscape scheme.

Visual effects are anticipated to range from **Minor adverse to Negligible** for a limited number of receptors and are largely limited to those in close proximity to the Site, where the Appraisal Site will form a small portion of the wider view which is currently influenced by the existing energy infrastructure within the local landscape context. Effects are anticipated to reduce over time as the proposed planting adjacent to the Site boundaries matures.

In summary, the proposed development will sit within the existing landscape character without causing significant harm. Whilst some negative landscape and visual effects will arise from the proposed development as it emerges, the development of this land is sensitively located and is visually well contained. Furthermore, the landscape and visual effects are limited to the Appraisal Site and local level receptors only in close proximity to the Appraisal Site, as identified in this Appraisal.”

As with the adjoining BESS proposal, your officers agree with this conclusion. Set in this context, it is considered that the proposal would not significantly detract from the appearance and character of this part of the countryside given the proximity to the Walpole Substation. This is effectively an additional facility with similar enclosure (2.4m high steel palisade fencing) and peripheral landscaping comprising a belt of native heavy standard trees and shrubs to the east and south of the compound, plus wildflower meadow planting to the north and west. There is also an existing hedge to the northern side of the site which affords an element of screening. For acoustic reasons being closer to dwellings on Pigeon Street and Folgate Lane, the entire site is contained by 3.5m high timber panel acoustic fencing set behind the security fencing. This would initially create a solid barrier but would be ‘softened’ with the proposed heavy standard (2-3m) tree and shrub external landscaping adjoining the compound to the east and south. This would have an instant screening impact and would mature and become even more effective over time.

In conjunction with the approved BESS adjoining Walpole Bank, additional planting is also committed/proposed in the NW corner of the field adjoining the junction of French’s Road and Walpole Bank where the road chicanes and currently has exposed views to the south. This would ‘square off’ a small parcel of margin land which would have a minimal effect upon crop production.

In response to the Parish Council’s concerns and in conjunction with application ref: 22/02265/FM, the introduction of an indigenous hedgeline on the northern side of Folgate Lane has been negotiated to create foreground screening along this public route where open views are most obvious. This amounts to approx. 800m of new hedging. This technique has been used in connection with the synchronised condenser proposal authorised under application ref: 22/01616/FM adjacent to Rose Hall Farm to the SW of the Substation. The implementation of this detailed planting scheme can be secured via condition. This would also have significant biodiversity benefits.

The equipment and buildings (2.3m – 4.5m high) would be mostly screened by the proposed line of 3.5m high acoustic fencing. The equipment and buildings may alter slightly at the detailed design stage depending on the DNO and potentially may be painted in an appropriate colour scheme - this shall therefore be agreed by condition.

The development would be seen from public vantage points along Walpole Bank which is elevated, and the road network to the east along the more exposed Folgate Lane, but would be seen in context with the existing electricity facility, pylons and overhead cabling as a backdrop.

On balance, given the separation distances involved from lower lying public areas to the east and the proposed localised mitigating landscaping measures, the effect upon the character and appearance of this locality would not warrant grounds for refusal. The development is capable of being compatible to the provisions of the NPPF and Policies CS06, CS08, DM2 and DM20 of the Development Plan.

### **Loss of high-quality agricultural land**

Paragraph 174 of The National Planning Policy Framework (NPPF, 2021) states that planning policies and decisions should contribute to and enhance the natural local environment by recognising the 'economic and other benefits of the best and most versatile agricultural land'.

At Annex 2 of the NPPF, 'best and most versatile agricultural land' is defined as 'land in grades 1, 2 and 3a of the Agricultural Land Classification'.

Under the Natural England Agricultural Land Classification (provisional for England), the site (and surrounding area) is classed as Grade 1 farmland. Although the proposed development is located within a field of 'best and most versatile agricultural land', there are extensive areas of Grade 1 farmland surrounding the site. Given the relatively small footprint of the proposed compound (approx. 0.9ha), removal of the site area from agricultural use will not have a significant impact on the productivity of the farm as a whole and, in terms of Policy DM20, is not considered to be a significant loss of agricultural land.

Whilst development is proposed on grade 1 arable land, its temporary loss from production (25 years to correspond with that adjoining) would be off-set by the significant sustainable benefits to the community gained from electricity storage/production. There are also significant biodiversity benefits associated with the landscaping proposal which will be discussed below. As stated above, the development is believed to be totally reversible and could return to agricultural use at the end of its lifespan. Once again this may be covered via condition.

The proposal therefore accords with Policies DM2 & DM20 of the SADMPP . With regards to the NPPF, the proposal accords with Paragraph 158, but there is conflict with Paragraph 174; however, this will be addressed in the Planning Balance/Conclusion below.

### **Flood risk implications**

The site lies in Flood Zone 3A of the SFRA and Tidal Hazard Mapping Zone produced by the EA; the application is accompanied by a site-specific FRA. This proposed development comprises 'essential infrastructure' which, according to national flood risk guidance, is compatible to FZ3 subject to passing Sequential and Exception Testing.

In terms of Sequential Testing there are no alternative reasonably available sites in lower flood risk zones capable of taking this development. It is proposed in this location as it is co-located to the Substation and linkage to the national grid.

Whilst in Flood Zone 3A and THMZ, the application is accompanied by a site-specific Flood Risk Assessment (FRA). In terms of mitigation, it is proposed to raise the electrical equipment approx. 0.3m above existing ground level (above EA's predicted flood water level) and in case of a flood, the agent informs that the equipment would be fitted with circuit breakers to isolate the facility from the network.

At the time of writing this report the Environment Agency's comments are outstanding but on the adjoining proposed facility they raised no objection to this proposal subject to condition. It is expected that the outstanding comments will be covered in late correspondence.

Lessons learned from the BESS proposal at Saddlebow (22/01151/FM) required details of a scheme to dispose of foul and surface water and for a scheme to contain and dispose of any contaminated water resulting from firefighting in the event of a fire.

Ground conditions are not suitable for infiltration of surface water run-off into the ground. A sustainable approach to surface water management is proposed using SuDS techniques that direct run-off into a detention pond towards the west of the compound for storage and controlled discharge off-site to the local ditch system. The off-site discharge is to be limited to 1.03 l/s/ha for the site. The use of Filter Drains and detention pond may provide water quality benefits to the receiving watercourse some 120m to the south. This strategy complies with the requirements of Planning Policy and provides a sustainable approach to surface water management. The IDB are aware of this proposal and the discharge will require their consent under the provisions of the Land Drainage Act.

It is concluded that the proposed development meets the exception test as the development would provide wider sustainability benefits that would outweigh flood risk, and it has been designed to mitigate and adapt to climate change and is not expected to increase the risk of flooding elsewhere. As such, the scheme complies with Policy CS08 of the Core Strategy, PPG and Section 14 of the NPPF.

## **Highway issues**

The application is accompanied by a Construction Traffic Management Plan (CTMP) which identifies the access route for HGVs (both inbound and outbound) to be southwards from the A47, Lynn Road (Walton Highway), West Drove (North) and Folgate Lane. This is similar to that used for the Rose and Crown solar farm.

Folgate Lane is restricted in width, but HGVs will be controlled by a logistics manager on site throughout the construction phase. Access for emergency vehicles will be always maintained.

The construction phase is expected to be 12 months. During this period, construction HGV traffic would peak at up to five deliveries per day over a four-week period. These deliveries would typically be undertaken using 10m long, eight-wheeled tipper trucks. In total there will be approximately 110 vehicle loads of stone required to create the access road and stone platform. Once the construction of the stone platform is completed, the batteries would be delivered to the site using articulated HGVs. The batteries will be constructed off-site and delivered in containers. It is expected that the delivery of the batteries would result in four deliveries per day over an eight-week period. A 200T crane would be utilised to lift the batteries into place. The haul route would be inspected and repaired accordingly in consultation with the Local Highway Authority (LHA).

The LHA has a strong preference that access to the site is gained via Walpole Bank for construction vehicles. However, provided that the HGV's are restricted to 5 per day for the initial period and are then tailed off in number, then ultimately (although far from ideal), the LHA believe that it would be difficult to substantiate an objection to the application at such a level.

There are several large energy-related schemes with permission coming forward which will use haul routes via the A17 to the north. To vary this and utilise a similar route as the Rose and Crown solar farm construction would not be unreasonable. Fundamentally whilst a preference has been indicated, there is no technical objection raised by the LHA to the southern haul route via the A47.

Therefore, if we are minded to approve the application in its present form, the LHA recommend conditions be applied covering refinement of the CTMP, plus access construction of both principal and emergency routes.

The proposal therefore accords with Policies CS08, CS11 & DM15 of the Development Plan.

### **Ecology and biodiversity**

There are no statutory or non-statutory designated sites within a 2km radius which will be affected by the proposed works. The application is accompanied by a Preliminary Ecological Appraisal which states inter alia that:

- Based on the findings of the 2022 field survey and given the implementation of the following appropriate mitigation measures:
- Limited night-time working will be undertaken, and new lighting requirements will be designed in accordance with the BCT and ILE Artificial Lighting in the UK guidance;
- All areas of vegetation requiring removal will be checked for nesting bird activity a maximum of 48 hours prior to the commencement of works by a suitably qualified ecologist (if undertaken during the nesting season); and
- Implementation of habitat manipulation works to discourage reptiles from the proposed area of works.

It is considered unlikely that there will be significant effects on legally protected habitats or species.

The landscaping proposals for the site include the provision of a significant length of new native species-rich hedgerow, the creation of areas of meadow grassland and the creation of a surface water attenuation basin. These habitats will provide a significant overall enhancement compared to the existing arable land.

In respect of biodiversity, there would be a net gain as follows: For habitats a 19.75% net gain, and for hedgerows 7.30 units - a 100% net gain. (Exceeding the target of 10% set out in the Environment Act 2021.) Our Senior Ecologist has reviewed this assessment and raises no objection subject to securing mitigation measures via condition.

In respect of planning policy, the development complies with Policies CS12 and DM15 together with paragraph 174 of the NPPF in that it has appropriately considered biodiversity and ecological matters and will deliver a substantial net gain in biodiversity.

## **Impact upon neighbour amenity**

The application is accompanied by a Noise and Vibration Impact Assessment produced by Royal HaskoningDHV which assesses the cumulative impact of both the approved and proposed schemes; it concludes as follows:

“The assessment, which is considered to be the worst case scenario, has shown that noise from the proposed facility, individually and in combination with other developments in the area, may give rise to noise levels above measured background (dB LA90) noise levels, particularly at Primrose Cottage (to the south) and Castoffs (to the north), however that these are still below the Lowest Observed Adverse Effect Level (LOAEL) of 40 dBL<sub>night,outside</sub>. Consequently, it is considered that there is little likelihood of adverse effect for the occupants of the nearest Noise Sensitive Receptors to the proposed development, in light of the observations of the World Health Organisation Night Noise Guidelines for Europe, which state: “There is no sufficient evidence that the biological effects observed at the level below 40 dB L<sub>night,outside</sub> are harmful to health”.

In light of these findings, it is concluded that the operation of the proposed facility, individually and in combination with other schemes in the area, will not give rise to significant adverse effects for the occupants of the surrounding residential properties.”

This conclusion/view is shared by our CSNN colleagues, and the mitigation measures may be secured via condition.

The application is also accompanied by a Construction Traffic Management Plan which covers such things as dust suppression, contractor parking and wheel washing facilities. Once again this may be secured via condition. Hours of construction were restricted on the other BESS proposals to be 0830 – 1700 hours Monday to Friday and 0830 – 1300 hours on Saturdays; for consistency this can be repeated.

Changes in HGV movements as a result of the development are not considered as significant for air quality purposes as set out within the CTMP. However, given the proximity of other developments around Walpole Substation our Environmental Protection colleagues have considered the cumulative impacts. Vehicle emissions from HGVs will be separate as routing will be via Folgate Lane to connect to the A47 to the south, rather than to north as in the other sites. As long as development therefore proceeds in accordance with the plans, there would be no objection in terms of air quality. An EV charging facility within the site is recommended but based on the applicant’s response that explained that only very limited parking is proposed (4 spaces) and limited vehicle trips are expected (1-2 transit vans per week), it is accepted that any use of an EV charging facility would be infrequent and very low level and therefore it is not reasonable to request such provision.

Details and implementation of the lighting scheme will be secured via condition.

As a result, the amenity of the nearest dwellings will be protected, complying with Policy DM15 and DM20 of the Local Plan in respect of noise, dust etc.

## **Fire safety**

Concerns have been raised by the Parish Council and local residents with regards to fire precautions and refer to coverage of instances of fires at similar facilities most notably an incident in Merseyside some years ago.

The application is accompanied by a Battery Safety Management Plan, prepared by 'Field', which states inter alia:

"It is proposed that the BESS will use Lithium Ferrophosphate (LFP) battery cells as its chosen form of Lithium-Ion battery chemistry. LFP batteries are proven to have a higher initiation temperature and a lower peak heat generation during thermal runaway when compared to other types of lithium-ion batteries. This makes LFP batteries inherently safer than other chemistries, by preventing the initiation of thermal runaway and the propagation between components...

And concludes:

"Field is seeking to develop a Battery Energy Storage System with associated infrastructure including access and landscaping at Land adjacent to Walpole Bank Road. The site will have an installed total capacity of up to 100MW. The proposed Development will connect to the existing Walpole National Grid Substation. The BSMP outlines how the Development will be managed from a fire safety risk mitigation perspective. The document collates the technical and safety information used for the detailed design of the BESS to ensure that all safety concerns around the facility are addressed in so far as is reasonably practicable. The BSMP may be updated once the proposed phasing of development is known and in line with any new regulations and/or guidelines that are introduced."

This document has been reviewed by Norfolk Fire and Rescue Services and will require additional information, but this could be covered via condition. With the inclusion of the emergency access route being provided there is no objection from NFRS.

### **Other material considerations**

*Archaeology:* Historic Environment Services indicate that previous archaeological investigations in the east of the application site have recorded various features, deposits and artefacts Anglo-Saxon and medieval date. Pottery of medieval date has been found within the application site.

Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. A programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205 can therefore be secured via condition.

*Crime and disorder:* There are no significant crime and disorder issues raised by this proposed development. Whilst the facility would be un-manned during the operation phase, CCTV cameras and lighting mounted on 7no. 4m high columns are proposed to ensure security of the facility without adversely affecting light pollution (details of the lighting scheme is to be agreed via condition as stated above). It is not unusual for facilities such as this to be effectively monitored and controlled remotely.

*Contamination:* The information submitted indicates that there could be potential for contamination through made ground and previous pesticide and herbicide use. This is judged to be a Moderate to Low risk. Due to the recommendations in the report a suite of conditions is suggested by our Environmental Protection colleagues to cover this matter.

*Environmental impact assessment:* The proposal has been formally screened and does not require Environmental Impact Assessment. This has been confirmed under separate cover.

## PLANNING BALANCE/CONCLUSION

Whilst the temporary (25 year) loss of grade 1 agricultural land is recognised (Paragraph 174(b) of the NPPF), in the planning balance it is clear that considerable weight should be attached to the benefits associated to the production and management of sustainable energy as we push towards the national target of Net Zero emissions before 2050. This is strongly supported in national policy guidance, as well as the Council's own planning policy. It also aligns with the Council's own Climate Change Strategy and Action Plan.

This is a relatively small area of land (0.9ha) which, even combined with the adjoining proposals, would not create a significant detrimental effect upon productivity of the farm itself or that sector taken holistically. In terms of Policy DM20, it is also not considered to be a significant loss of farmland.

It would also be seen in context with existing and proposed/approved infrastructure nearby, and, with the introduction of associated landscaping, would not significantly affect the appearance and character of its wider countryside setting. It is therefore considered to be acceptable on landscape impact grounds.

There are no technical issues that cannot be dealt with via planning conditions and no objections from statutory consultees. Adverse impact upon residential amenity can be suitably controlled through mitigation measures such as acoustic fencing plus a Construction Traffic Management Programme (CTMP). Most notably there is no objection from the Norfolk Fire & Rescue Service to the scheme on safety grounds, and a safety plan can be suitably conditioned (as used by the Planning Inspectorate).

Overall, the proposal is considered to accord with the provisions of the NPPF, NPPG, Policies CS01, CS06, CS08, CS11 & CS12 of the Core Strategy (2011) and Policies DM1, DM2, DM15, DM17 & DM20 of the SADMPP (2016). It is therefore duly recommended for approval subject to certain conditions stated below.

## RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: With the exception of the details required in connection with Condition 7 below, the development hereby permitted shall be carried out in accordance with the following approved plans: 002.1.2 Revision O, 001.1 Rev 1, 001.3 Rev 2, 001.4 Rev 2 003.9, 004.1, UG\_1744\_LAN\_FBP\_DRW\_04 Rev. P02 and UG\_1744\_LAN\_GA\_DRW\_01 Rev. P04, unless otherwise agreed in writing with the Local Planning Authority.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity is first taken from the grid network (the first Import Date), this date to be notified in writing to the Local



Planning Authority. By the end of the 25 year period the battery storage installation shall be decommissioned. No later than 6 months after decommissioning, all related structures, containers, equipment and infrastructure shall be removed and the site restored in accordance with a restoration scheme which has been submitted to and approved in writing by the Local planning Authority. The restoration scheme shall be submitted to the Local Planning Authority no less than 6 months prior to decommissioning. The Local Authority must be notified of the cessation of electricity importation and exportation in writing no later than 5 working days after the event.

- 3 Reason: To define the terms of this permission as the application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and Core Strategy Policies CS06 and CS12 of the LDF.
- 4 Condition: If the development hereby permitted fails for a continuous period of 12 months to supply electricity to the grid network, then, unless otherwise agreed in writing with the Local Planning Authority, the containers and associated buildings, equipment and infrastructure shall be decommissioned and removed from the site in accordance with a scheme to be submitted to the Local Planning Authority no more than 3 months after the end of the 12 month period. The land shall be reinstated in accordance with the scheme within a period of 6 months after the end of the 12 month period.
- 4 Reason: The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and Core Strategy Policies CS06 and CS12 of the LDF.
- 5 Condition: The landscaping (including a new hedgerow along the northern side of Folgate Lane) shall be implemented in accordance with the details submitted and contained in the approved plans: UG\_1744\_LAN\_FBP\_DRW\_04 Rev. P02 and UG\_1744\_LAN\_GA\_DRW\_01 Rev. P04, unless otherwise agreed in writing with the Local Planning Authority.
- 5 Reason: To assimilate the development into its countryside setting, in the interests of visual amenity and nature conservation and accord with the provisions of the NPPF and Core Strategy Policy CS12 of the LDF.
- 6 Condition: The approved landscaping scheme shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs/plants which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.
- 6 Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and nature conservation and accord with the provisions of the NPPF and Core Strategy Policy CS12.
- 7 Condition: Notwithstanding the plans submitted, prior to installation, full details of the battery units, store rooms, control rooms, structures and equipment (including the colour scheme), shall be submitted to, and agreed in writing by, the Local Planning Authority. The units and structures shall be painted in accordance with the agreed colour prior to commencement of use and shall be maintained in that condition thereafter.

- 7 Reason: In order to assimilate the development into its rural setting in accordance with the provisions of the NPPF and Core Strategy Policy CS08.
- 8 Condition: The development shall be carried out in accordance with the mitigation measures contained in the submitted flood risk assessment (FRA) undertaken by Royal HaskoningDVH (ref: PC3506-RHD-02-XX-RP-Z-0005, dated: 02 November 2022). In particular, they include:
- The battery modules, array feeder substations and intake substation are to be raised at least 0.3m above ground level and above tidal breach depth.

The mitigation measures shall be fully implemented prior to commencement of use and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- 8 Reason: In order to protect the development at times of high risk of flooding and to accord with the provisions of the NPPF and Core Strategy Policy CS08.
- 9 Condition: Notwithstanding the submitted details, full details of a lighting scheme to serve the development shall be submitted to, and agreed in writing by, the Local Planning Authority prior to installation. The agreed lighting scheme shall be implemented and thereafter maintained and retained as agreed.
- 9 Reason: In the interests of minimising light pollution, impact on ecology, and to safeguard the amenities of the locality in accordance with the NPPF.
- 10 Condition: Notwithstanding the submitted details, prior to the commencement of any works a Construction Traffic Management Plan and Access Route, which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway and wheel washing facilities for construction and decommissioning vehicles, shall be submitted to and approved in writing with the Local Planning Authority, together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- 10 Reason: In the interests of maintaining highway efficiency and safety and to ensure that no other local roads are used by construction traffic, and to accord with the provisions of the NPPF and Core Strategy policy CS11 of the LDF.
- 11 Condition: For the duration of the construction period, all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless otherwise approved in writing by the Local Planning Authority.
- 11 Reason: In the interests of maintaining highway efficiency and safety, and to accord with the provisions of the NPPF and Core Strategy policy CS11 of the LDF.
- 12 Condition: Prior to the first use of the development hereby permitted the accesses / crossings over the verge, on Folgate Lane and Walpole Bank, shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority and in accordance with the highways industrial specification and thereafter retained at the position shown on the approved plan. Arrangement shall be made for

surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

- 12 Reason: To ensure construction of satisfactory accesses and to avoid carriage of extraneous material or surface water from or onto the highway, in the interests of highway safety and traffic movement and to accord with the provisions of the NPPF and Core Strategy policy CS11 of the LDF.
- 13 Condition: For the duration of the construction and decommissioning periods deliveries and removals shall only be received at or despatched from the site between the hours of 0830 and 1700 hours Monday to Friday, 0830 and 1300 hours on Saturdays and not at all on Sundays and Bank Holidays other than with the prior written approval of the Local Planning Authority.
- 13 Reason: In the interests of the amenities of the locality, and to accord with the provisions of the NPPF and Core Strategy policy CS08 of the LDF.
- 14 Condition: The development shall be undertaken in accordance with the mitigation measures recommended in the Preliminary Ecological Appraisal (Doc ref: PC3506-RHD-02-XX-RP-Z-0002) compiled by Royal HaskoningDHV dated 03.11.2022 and submitted as part of this application, unless otherwise agreed in writing with the Local Planning Authority.
- 14 Reason: In the interests of the ecology of this locality and to accord with the provisions of the NPPF and Core Strategy Policy CS12.
- 15 Condition: No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 15 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 16 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 15 and any addenda to that WSI covering subsequent phases of mitigation.
- 16 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 17 Condition: The development shall not put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 175 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 17 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 18 Condition: The development shall be undertaken in accordance with the mitigation measures recommended in the Noise and Vibration Impact Assessment (Doc ref: PC3506-RHD-02-XX-RP-Z-0007) compiled by Royal HaskoningDHV dated 03.11.2022 and submitted as part of this application, unless otherwise agreed in writing with the Local Planning Authority.
- 18 Reason: In the interests of the amenities of the locality, and to accord with the provisions of the NPPF and Core Strategy policy CS08 of the LDF plus Policy DM15 of the SADMPP.
- 19 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) 2021.

- 19 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 20 Condition: Prior to the commencement of groundworks, if required, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of

works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

20 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

21 Condition: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

21 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

22 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 21.

22 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23 Condition: Notwithstanding the submitted details, the development hereby permitted shall not commence until such time as a scheme to:

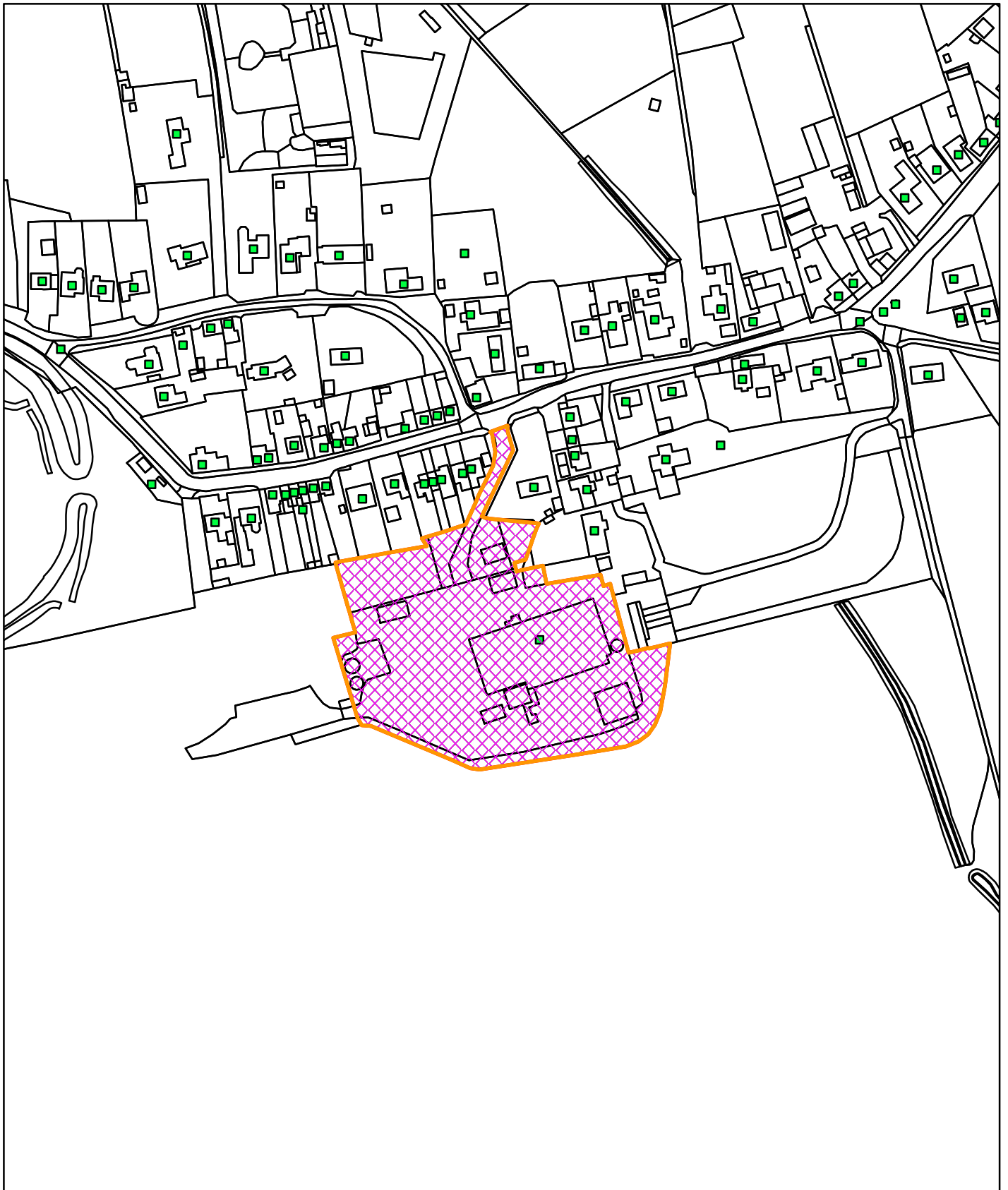
- dispose of foul and surface water; and
- contain and dispose of any contaminated water resulting from firefighting

has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be implemented as agreed.

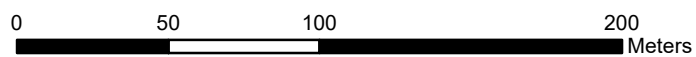
- 23 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 24 Condition: Notwithstanding the submitted details, prior to the first use of the Battery Energy Storage System (BESS) hereby approved, a Battery Safety Management Plan (BSMP) shall be submitted to, and agreed in writing by, the Local Planning Authority. The BSMP must define the type of batteries to be used and prescribe measures to facilitate safety during the construction, operation and decommissioning of the BESS. The BSMP shall be implemented as approved.
- 24 Reason: To secure the safe operation of the facility and to accord with the provisions of Policy DM15 of the SADMPP (2016).
- 25 Condition: Notwithstanding Drawing nos. PC3506-RHD-Z-Z-XX-SW-TP-0 002 & PC3506-RHD-Z-Z-XX-SW-TP-0 003, prior to the commencement of use of the development hereby approved an emergency access road connecting to Walpole Bank shall be provided in accordance with details of route alignment and construction that have been previously approved in writing by the Local Planning Authority. The emergency access route shall be retained and maintained for that purpose and removed upon final decommissioning.
- 25 Reason: To secure appropriate access to the site for emergency vehicles during the lifetime of the development and to accord with the provisions of the NPPF and Policies CS11 and DM15 of the Development Plan.

22/01333/FM

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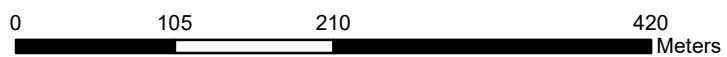


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80





<b>Parish:</b>	<b>Wormegay</b>	
<b>Proposal:</b>	<b>Erection of new cold store building, change of use of existing cold store building to packing shed and alterations and extensions to existing cold store building.</b>	
<b>Location:</b>	<b>Alfred G Pearce Castle Road Wormegay King's Lynn PE33 0SG</b>	
<b>Applicant:</b>	<b>Alfred G Pearce Limited</b>	
<b>Case No:</b>	<b>22/01333/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 3 November 2022 Extension of Time Expiry Date: 7 July 2023</b>

**Reason for Referral to Planning Committee** –The Parish Council comments are contrary to the officer recommendation and the application was referred to Committee by the Sifting Panel.

**Neighbourhood Plan:** No

**Case Summary**

The application site is a vegetable processing plant located close to the centre of Wormegay, operated by Alfred G Pearce Limited. The application seeks consent for alterations/extensions to an existing cold store and the construction of a new cold store elsewhere on the site.

Access to the site is via Castle Road. The site is bounded to the north by residential development and to the south and west by open countryside.

The application seeks to change the use of the existing cold store to a packing shed with alterations and extensions to the building. The existing cold store is located in the southeast corner of the site, to the rear of the main processing building. The building is adjoined to the north and west by areas of concrete hardstanding; whilst to the south and east there are open fields.

The site of the proposed cold store is to the west and presently forms part of the open yard serving the business and includes part of an existing effluent plant which is now defunct. There are areas of hardstanding to the south and east and open fields to the west beyond the remainder of the effluent plant. To north is the staff car park.

The site of the proposed development falls outside but immediately adjacent to the development boundary for Wormegay, as defined in the Local Plan.

## **Key Issues**

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highways/ Access
- Drainage
- Other Material Considerations

## **Recommendation**

**APPROVE**

## **THE APPLICATION**

The application site is a vegetable processing plant located close to the centre of Wormegay, operated by Alfred G Pearce Limited. The application seeks consent for alterations/extensions to an existing cold store and the construction of a new cold store elsewhere on the site.

Access to the site is gained from Castle Road. The site is bounded to the north by residential development and to the south and west by open countryside. The site of the proposed development falls outside but immediately adjacent to the development boundary for Wormegay, as defined in the Local Plan.

The application seeks to change the use of the existing cold store to a packing shed with alterations and extensions to the building. The existing cold store is located in the southeast corner of the site, to the rear of the main processing building. The building is adjoined to the north and west by areas of concrete hardstanding; whilst to the south and east there are open fields.

The site of the proposed cold store presently forms part of the open yard serving the business and includes part of an existing effluent plant which is now defunct. There are areas of hardstanding to the south and east and open fields to the west beyond the remainder of the effluent plant. To north is the staff car park.

The existing cold store building (5.3m in height to the pitch) would be adapted for use for vegetable packing. A wrap around lean-to extension is proposed to the north and east of the existing cold store building to enable its use as a packing shed. The materials will match the existing building (profiled metal sheets) and the lean-to extension will be 3.3m in height at the highest point with a footprint of 4.5m and 2.8m. A new roller shutter entrance would be provided in the side extension with two personnel doors, with staff facilities and a workshop located to the rear. The proposed additions would increase the footprint of the building by around 103m<sup>2</sup>.

The proposed new cold store building would be very similar in size and appearance to the existing cold store. The building would be around 16 metres long and 15 metres wide, with a maximum height of 5.5 metres with an eaves height of 4.7m. It would be clad in profiled metal sheeting in olive green to the walls and goosewing grey to the roof. The main access

to the building would be located in the south elevation. The external cooling plant would also be positioned on the south elevation.

## **SUPPORTING CASE**

Alfred G Pearce is a family-run business supplying processed vegetables to the food industry. It has been based on the application site in Wormegay for more than 25 years. The plant employs around 50 people.

Due to changes in the food industry, the demand for packaged vegetables has increased over recent years. To meet this increasing demand, the applicant wishes to enlarge their packing facilities. It is proposed to do this by changing the use of an existing cold store located to the rear of the site to a new packing shed. To replace this cold storage facility, a new cold store building is proposed close to the main vegetable processing building.

The purpose of the proposed development is therefore not to increase production, but to allow changes to be made to production methods to meet customer demand. Consequently, no material changes to traffic movements to and from the site are expected as a result of the proposals. No additional staff will be required as further automation will be introduced to deal with new packing operations. The vegetable processing plant currently operates 6-days per week, and has done so for the last 3 years. It is not expected that this operating regime will change in the foreseeable future.

Given the location of the site on the edge of the village, careful consideration has been given to likely impacts on the amenities of neighbours. The proposed packing shed would be located to the rear of the site and shielded from neighbours by the main factory building. The types of food preparation and packing machinery proposed would not be noisy and would be contained within the building.

The proposed cold store would face away from neighbours and external plant would be screened by the proposed building. A noise assessment report has been provided which confirms that the proposed refrigeration equipment would have a negligible impact on the nearest neighbours. The location of the cold store adjacent to the main production building would reduce forklift movements within the site. An existing bund would be extended to accommodate the proposed development.

More generally, the applicant remains committed to reducing the impact of the business on local residents, whenever this is practicable. For instance, as part of a current scheme to replace the existing dispatch refrigeration system, the external compressor/condenser unit which is currently located to the side of the main building, will be replaced with a new unit sited at the rear of the building, where it will be screened from neighbours by the building.

## **PLANNING HISTORY**

22/02086/FM Installation of solar farm - Alfred G Pearce

20/00487/F: Application Permitted: 22/02/21 - VARIATION OR REMOVAL OF CONDITION 2 OF PLANNING PERMISSION 18/01008/F: Retention and extension of effluent treatment plant, including the erection of a new DAF/control room building and the installation of new tanks and associated plant and equipment - Alfred G Pearce

19/00526/F: Application Permitted: 09/05/19 - Erection of storage building - Alfred G Pearce

18/00977/F: Application Permitted: 27/07/18 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 17/01916/F: Erection of cold store and staff facilities buildings - Alfred G Pearce

18/01008/F: Application Permitted: 01/04/19 - Retention and extension of effluent treatment plant, including the erection of a new DAF/control room building and the installation of new tanks and associated plant and equipment - Alfred G Pearce

17/01916/F: Application Permitted: 05/01/18 - Erection of cold store and staff facilities buildings - Middle Farm

12/00821/F: Application Permitted: 02/10/12 - Erection of rear extension to existing processing plant to provide new loading and unloading area. - Middle Farm

11/00166/F: Application Permitted: 18/04/11 - Variation of condition no 1 of planning permission 08/02267/F to allow consent for vegetable store and compressor room to be granted for a further five years - Middle Farm

08/02267/F: Application Permitted: 04/12/08 - Retention of vegetable store and compressor room for a further 3 years - Middle Farm

07/02000/F: Application Permitted: 04/12/07 - Retention of vegetable store and compressor room - Middle Farmhouse

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECTION**

Email from NCC Highways 19 October 2022 recommends considering limiting the throughput of the site because the application could be considered an overall expansion of the existing facilities - a limitation would ensure no increase in additional HGV movements. Road conditions and noise from HGV are an existing concern for the Parish and we would want to see this restriction put in place before we support enhancements to the existing facilities. In addition to this, there are already complaints from residents suffering due to noise and activity during the night and early morning which has increased over recent months, and there are concerns that enhancements to the facilities could cause further problems, when existing issues are not being addressed.

### **Local Highway Authority: NO OBJECTION**

It would be difficult to substantiate an objection should it be the case of no material increase to the HGV movements would result. The principle being that the same level of produce is said to be processed but then supplied out in a different form. We are however conscious that the road conditions leading to the site are far from ideal due to the mix of HGV's with residential traffic (some of which are parked) and the tight bends that exist around Crown House. It may be beneficial therefore that consideration be given to a limit the throughput of the site at this stage as the site applications could be considered as an overall expansion to the available facilities on the site and if run differently could result in additional HGV movements, particularly if they offer packing to third parties.

## **Environment Agency: NO OBJECTION**

Contamination - The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here: <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

Infiltration Sustainable Drainage Systems (SuDS) - The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. If the use of deep bore soakaways is proposed, we would wish to be re-consulted. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13 which can be found here: <https://www.gov.uk/government/collections/groundwaterprotection>. In addition, they must not be constructed in ground affected by contamination.

## **IDB: NO OBJECTION**

## **Lead Local Flood Authority (NCC): NO COMMENTS**

## **Anglian Water: NO COMMENTS**

## **CSNN: NO OBJECTION subject to conditions.**

In the interests of reducing all site noise impacts on residents, the extension of the earth bunding (height and length – this could be conditioned to be actioned within a set timeframe) and conditioning that “Packing machinery would only be operated with the doors of the building closed”, plus conditioning the surface water drainage, and external lighting.

Please condition the surface water drainage for the new cold store, the extension to the existing cold store building and the yard drainage scheme to be commenced imminently, so that full plans are provided detailing all drainage. Whilst the agent states the latter has been agreed with the EA, we wish to see the agreed scheme plans and consider these are relevant to this application. Furthermore, it is in the interests of this team and the applicant that the agreed scheme is recorded/documentated within the BCKLWN records (the planning file being the best location) should reference to the design etc be required in the future.

Please condition external lighting, as it is considered that lighting will increase on site to accompany the extension and new building. Lighting should be downwards directed and shielded where it could impact off-site.

## **Environmental Quality: NO OBJECTION subject to condition.**

The applicant has provided a site plan detailing the works. We have reviewed our files and the site is on land that has not been seen developed for the duration of our records until aerial photography shows it with hard surfacing being used to store items. The surrounding landscape is largely residential and agricultural. The information submitted does not indicate the presence of significant land contamination. However, the former use of the site for

storage means that it's possible that some unexpected contamination could be present. Therefore, a condition should be included.

Air Quality - In terms of air quality / emissions it is noted that no information has been provided of vehicle movements. Information as set out by NCC is requested.

### **MOD Safeguarding: NO OBJECTION**

The MOD has no safeguarding objections to this proposal.

### **Architectural Liaison Officer:**

Secured by Design aims to achieve a good standard of security for buildings and the immediate environment. The ALO welcomes the opportunity to work with the applicant to ensure the approach continues.

- The following matters are raised for consideration –
- Site entrances should have a 'barrier' to demarcate the private use. This could include brick pillars, or a change in surfacing.
- Defensible space aims to control the access/ movement of people around employment sites.
- Access gates and perimeter fencing.
- Building design should avoid blank windowless elevations to enable natural surveillance.
- Use office spaces 24/7, and clear signage to advertise the level of guardianship.
- Positioning of reception areas and desks.
- Natural surveillance of car parking and cycle parking.
- Secure cycle parking facilities.
- Appropriate landscaping and lighting schemes.
- CCTV and intruder alarms.

### **Norfolk Fire and Rescue: NO OBJECTION subject to condition.**

With reference to the proposed commercial development, based on the location and infrastructure already in place, Norfolk Fire & Rescue Service will require a minimum of 1 fire hydrant(s) to be installed, in a location(s) agreed by us to ensure adequate fire fighting water provision. Also provides detailed guidance re Building Control requirements.

## **REPRESENTATIONS**

**SEVEN** letters of **OBJECTION** received. The following issues were raised-

- Traffic issues-
- With the extra cold store capacity it is inevitable that this would increase the HGV traffic to and from this site. The road network servicing this site is not suitable for HGV vehicles let alone increase the traffic already in and out of this site.
- In the majority of the planning permissions granted by yourselves it is stated that there will be less vehicle movements how is this monitored as we have noticed an increased after each application. What control will be in place on the early morning starts on the vehicle movements? This is not always adhered to. Vehicle movements day and night in and out of the site.
- There are alternative sites, owned by the applicant with better transport links which could be used for this development which would not impact on residential neighbours.

- Noise / Disturbance-
- Planning policy may support growth of sustainable development but not development which would reduce the quality of life for all the local residents.
- It is proposed that the new cold store is to be built directly behind our property. The existing cold store which is much further away already makes unacceptable noise through the night. Building one closer to our property, will be unbearable. Query the validity of the noise survey.
- All the properties adjoining this proposed site will suffer the consequences of the new building with the noise etc that comes from this factory and the vehicles. The noise which already goes on 24 hrs a day 7 days a week disturbing sleep. The refrigeration unit running the cold store currently operates 24hrs a day.
- The Noise Impact Assessment only refers to the chiller unit. What about the operational activity noises i.e. Loading/unloading products to/from the new cold store, LGVs, folk lifts ,tractors etc. It would be more sensible to locate this cold store adjacent to the existing one.
- Neighbour Amenity -
- Allowing the continual expansion of this business in a small village means there is no real consideration for the impact on the lives of local residents. The current imposing noise of the working factory (day and night) and the HGV vehicles (many of which have no consideration for residents e.g. in the way they drive or leave refrigeration engines running during the night) is often unbearable. A new larger, noisy cold store and separate packing store is bound to attract even more HGV vehicles that bring more noise and traffic congestion to this very small village.
- Poor track record of site management to date. Noise issues currently, waste management on site, plus did not adhere to previous conditions re landscaping.
- Other-
- This will set the precedent once again of building outside the boundaries of our village planning. If this is granted will this set a precedent that they can continue expanding outside the village boundary?
- Do the same conditions apply (to the new cold store building) as the last planning application granted on the condition that no work is to start until the full archaeology dig has been completed?
- Residents have requested plant screening since 2018, when the last planning application 18/01008F was granted. How will the Council ensure the boundary treatments are implemented?
- Lack of clarity – concern the site will further expand and seek to increase hours of operation in the future.
- Block view from the rear of house and garden across the fields.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

### **PLANNING CONSIDERATIONS**

The main considerations are:

Principle of Development

Form and Character

Neighbour Amenity

Highways/ Access

Drainage

Other Material Considerations

#### **Principle of Development**

The application seeks consent for the reuse/ expansion of an existing building and the construction of an additional building with the site of an established existing rural business.

Policy CS06 seeks to promote sustainable communities and sustainable patterns of development and to ensure employment is provided in close proximity to housing, service and other facilities.

Policy CS10 of the Core Strategy aims to support the rural economy, with permission granted on land which would not otherwise be appropriate for development for an employment generating use which meets a local business need. This development is subject to a number of criteria, and in this case; the development proposed includes the erection of a new cold store building as well as extensions to an existing building which are appropriate in size and scale to the existing site and the wider local area. The application site is adjacent to the settlement, and the impact of the proposed development on residential neighbours has been considered and is discussed below.

The principle of development is acceptable and in line with the NPPF, Policy CS06 and CS10 (of the Core Strategy).

#### **Form and Character**

The proposed development as detailed above reflects the well established existing use of the site and would be barely visible from nearby public viewpoints. The proposed development would be viewed within the context of the existing buildings/ site and as a result would have a minimal impact on the form and character of the locality.



There are no specific landscaping or boundary treatments proposed by the applicant as they are seeking to rely on existing boundary treatments on site. While the development is within the wider established employment site the construction of the cold store building does warrant additional planting along the eastern boundary and therefore a landscaping condition is attached. An objection received does refer to the loss of a view from a neighbouring dwelling, but a resident's view is not a material planning consideration in the determination of an application.

To the north west of the application site (approximately 140m) lies a Scheduled Ancient Monument, a motte and bailey castle. No comments have been received from the Historic Environment Service. It is considered that there is sufficient separation between the development proposed and the monument in terms of the distance between, the existing earth bund and the residential development between the two. In addition, the application site is already well established and the development is within the existing site and does not extend further into the countryside.

In terms of design, the development proposed is considered acceptable as reflects the use of the building and would be viewed in context of the existing wider employment site, and is therefore in line with the NPPF, policies CS08 CS10 and DM15 of the adopted Local Plan.

### **Neighbour Amenity**

The change of use and the extensions proposed to the existing cold store building are to the north and east of the existing building which is some distance from the neighbouring dwellings. The use of the building for packing would utilise new packing machinery. The agent has provided information (in an email dated 6 Feb 23) regarding the type of machinery to be used (although the specific details of this are as yet undecided), along with details of the construction of the building. CSNN has requested a condition is attached to ensure the machinery would only be operated when the doors of the packing building are closed. With this safeguard in place, it is not considered that the extensions proposed would be detrimental to neighbour amenity.

Objections have been received from neighbouring residents to the proposed development which cover a number of issues. Firstly, that the development would lead to increased vehicle/ HGV movements, the construction of the new cold store would create a noise nuisance even closer to dwellings than is currently the case as well as the additional LGV noise, unloading/ loading, forklift trucks etc. The site is in operation 24 hours a day, 7 days a week which neighbours state causes noise and disturbance to residents and additional activity on the site would make the situation worse.

The agent has responded and clarified that no additional HGV traffic would be generated as a result of the proposed development and that no additional staff would be employed, as further automation would be introduced for the packing. The development would allow produce to leave the site packaged, where as previously the vegetables were supplied unpackaged. The agent also states that the proposed location of the new cold store, closer to the production line would actually reduce fork lift vehicle movements across the site, rather than increase these.

The applicant submitted a Noise Impact Assessment for the proposed chiller unit only, and the report concludes that the addition of the cold store building services plant has been calculated to have negligible impact at the receptor locations (dwellings to the north of the site). The calculated background sound levels were shown to be significantly below the representative background sound level, and so no adverse impact is anticipated. The proposed cold store building is approximately 46m south of the closest neighbouring

dwelling with the plant equipment on the south elevation of the building being approximately 64m from the nearest dwelling.

The CSNN Officer has considered the impact of the scheme on residential amenity and does not raise any objections. Whilst the development does expand the operations on site, based on the Noise Impact Assessment and the information submitted alongside the application, it is not considered that the development proposed would have a significant impact on neighbour amenity. The CSNN officer does make a suggestion to extend the earth bund on the north eastern boundary however there is no overall objection to the scheme in its current form and considers that this is above and beyond what is required for the development proposed. As a result it is not therefore necessary to condition this.

Conditions are requested by CSNN requiring that any external lighting should be part of a scheme submitted to and agreed by the LPA, which is necessary given the rural location, hours of operation on the site and proximity to neighbouring dwellings.

Another concern raised by neighbours is that of dust and flies generated from the site which impacts on neighbouring residents. If this is an ongoing issue this should be reported to the Community Safety and Neighbour Nuisance Team. The proposed development is not considered likely to exacerbate this concern.

Whilst historically there has been complaints made against activity on the site and the impact of this on neighbouring residents, it is our recommendation that there are sufficient controls in place to prevent any detrimental impacts on neighbours as a result of the proposed development, and further CSNN does not object to the scheme. The development proposed, subject to conditions, is in line with the NPPF, policies CS08 and DM15 of the adopted Local Plan.

### **Highways / Access**

As stated above the development proposed is within an existing well established commercial site and would utilise the existing access via Castle Road. The development proposed would change working practices rather than result in an over-intensification of the site. The agent has confirmed there is no anticipated change to the overall number of lorry movements and that no additional staff are required as further automation is to be introduced.

The Local Highway Authority is unable to substantiate an objection to the scheme based on the fact that there would be no material increase to the HGV movements. However, concerns are raised regarding the local road conditions for this type of traffic, and that consideration be given to limiting throughput of the site as the development could represent an expansion to the site, particularly if the site were to be operated differently. The Parish Council draws attention to these comments. However, it is not considered reasonable or enforceable to attach a condition restricting the throughflow of vehicles when the development proposed does not generate any additional vehicle movements. Paragraph 56 of the NPPF states that 'planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. Further, no evidence has been submitted to demonstrate that the impact of the development would be severe in accordance with paragraph 111 of the NPPF. The development as proposed is in accordance with the NPPF, Core Strategy policies CS08 and CS11, and Site Allocations and Development Management Policies Plan policies DM15 and DM17.

## **Drainage**

Currently, roofwater run off is discharged to the dyke adjacent to the site, as agreed with the Environment Agency. It is proposed that roofwater from the new cold store would be dealt with in the same way. A new drainage system to handle surface water from yard areas has been designed with dedicated drainage lines running through oil interceptors, with gated valves and alarm systems, again as agreed with the EA. The project would also reduce any surface water loading to the effluent plant. However, to date the drainage details have not been provided and so it is necessary to attach a condition to secure and agree this information. In terms of drainage the proposed development is in accordance with the NPPF, and policies CS08 and DM15 of the adopted Local Plan.

## **Other Material Considerations**

**Archaeology** – An objection to the application requests that a full archaeology dig should be required (as was previously for development on site). However, the Historic Environment Service has not commented on the application nor requested conditions. The building is to be constructed on land currently utilised for the yard serving the business and the existing effluent plant which is now defunct.

**Contamination** – While the information submitted does not indicate the presence of significant land contamination, the Environmental Quality officer has suggested some unexpected contamination may be present and therefore a condition should be attached.

**Fire Hydrants** – Norfolk Fire and Rescue require the provision of at least one fire hydrant to be installed on site and this is secured via condition.

**Objections** – Concerns have been raised by local residents regarding the further expansion of the site area/ business. Any expansion of the footprint of the site or additional buildings are likely to require planning consent, and therefore the application would be determined on its own merits at that time.

## **CONCLUSION:**

The application site consists of the A G Pearce Ltd vegetable processing plant adjacent to the built extent of Wormegay. The application seeks consent for the reuse/ expansion of an existing building and the construction of an additional building with this established existing rural business. The principle of development is acceptable.

The development proposed is within the existing site and is considered to be in accordance with the form and character of this site, and the rural locality. A number of objections have been received from neighbouring residents, and careful consideration has been given to any potential neighbour amenity issues arising as a result of this development. Based on the information received from the applicant, the CSNN officer is satisfied that subject to conditions, the proposed development accords with policy.

The Local Highway Authority does not object to the proposed scheme because the development would not generate additional vehicle movements to the site. However, the Local Highway Authority and the Parish Council do raise concerns about existing traffic issues within the locality and would not want to see vehicle movements increase.

Subject to conditions, there are also no objections received from Environmental Quality, the Environment Agency and Norfolk Fire and Rescue.

In summary, the development proposed is considered to be in accordance with the NPPF, Core Strategy policies CS06, CS08, CS10, CS11 and CS12, and Site Allocations and Development Management Policies Plan policies DM15 and DM17. The application is duly recommended for approval.

## **RECOMMENDATION:**

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

- 1 Condition: The use hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos:  
  
22 041030 02 EXISTING SITE PLAN received 28 Jul 23  
22 041030 05B PROPOSED SITE PLAN received 23 Nov 23  
SHEET 3 NEW CHILL STORE received 4 Oct 22  
E11471/1 PROPOSED CHILL STORE- PROPOSED ELEVATIONS received 28 Jul 22  
E13686/1 PROPOSED CHILLI STORE EXTENSION- PROPOSED LAYOUT AND SECTION HIGH CARE PHASE received 28 Jul 22  
E13686/3 PROPOSED CHILLI STORE EXTENSION- PROPOSED SECTIONS PHASE 1 received 4 OCT 23
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the installation of any external lights, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation / angle of the luminaries, the spacing and height of the lighting columns, the extent / levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 3 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 4 Condition: The building identified as the 'existing cold store' on Drawing no 22 041030 05 B hereby approved shall only be used for the packing of vegetables and for no other purpose without the prior consent of the Local Planning Authority being granted under separate planning permission.
- 4 Reason: For the avoidance of doubt and to allow the local planning authority to retain control over the use of the building in the interests of the amenities of neighbouring residents in accordance with the NPPF and Development Plan.
- 5 Condition: All external doors to the building identified as 'existing cold store' on Drawing No 22 041030 05B shall remain closed other than when being used for

access and egress from the building. No machinery shall be operated within the building unless all external doors are closed.

- 5 Reason: In the interests of the amenities of neighbouring residents in accordance with the NPPF and Development Plan.
- 6 Condition: The building identified as the 'new cold store' on Drawing no 22 041030 05 B hereby approved shall only be used for the storage of vegetables and for no other purpose without the prior consent of the Local Planning Authority being granted under separate planning permission.
- 6 Reason: For the avoidance of doubt and to allow the local planning authority to retain control over the use of the building in the interests of the amenities of neighbouring residents in accordance with the NPPF and Development Plan.
- 7 Condition: No development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 7 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

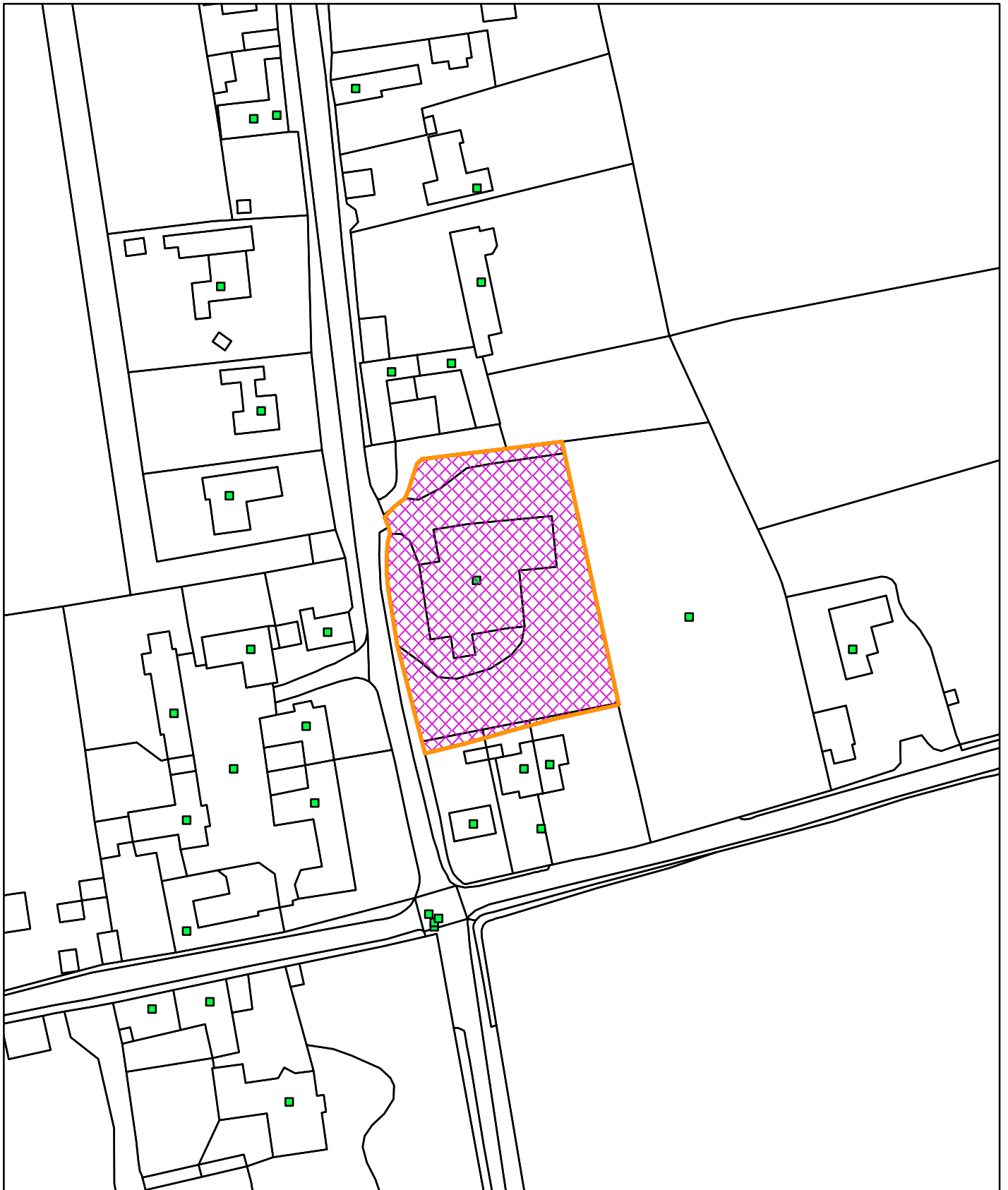
- 8 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.  
Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 8 Reason: In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF.
- 9 Condition: The buildings hereby approved shall not be brought into use until a scheme for the provision of a fire hydrant has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 9 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 10 Condition: Prior to the first occupation of the 'new cold store' hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the planting scheme for the boundary treatment on the eastern boundary. The boundary treatment shall be completed before the building is occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in perpetuity. Any trees or plants that within a period of 5 years from the

completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

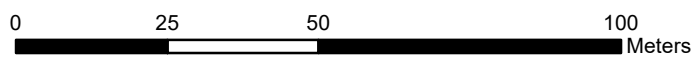
- 10 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.

22/01884/F

Eastgate Barn Eastgate Holme next The Sea Norfolk PE36 6LB



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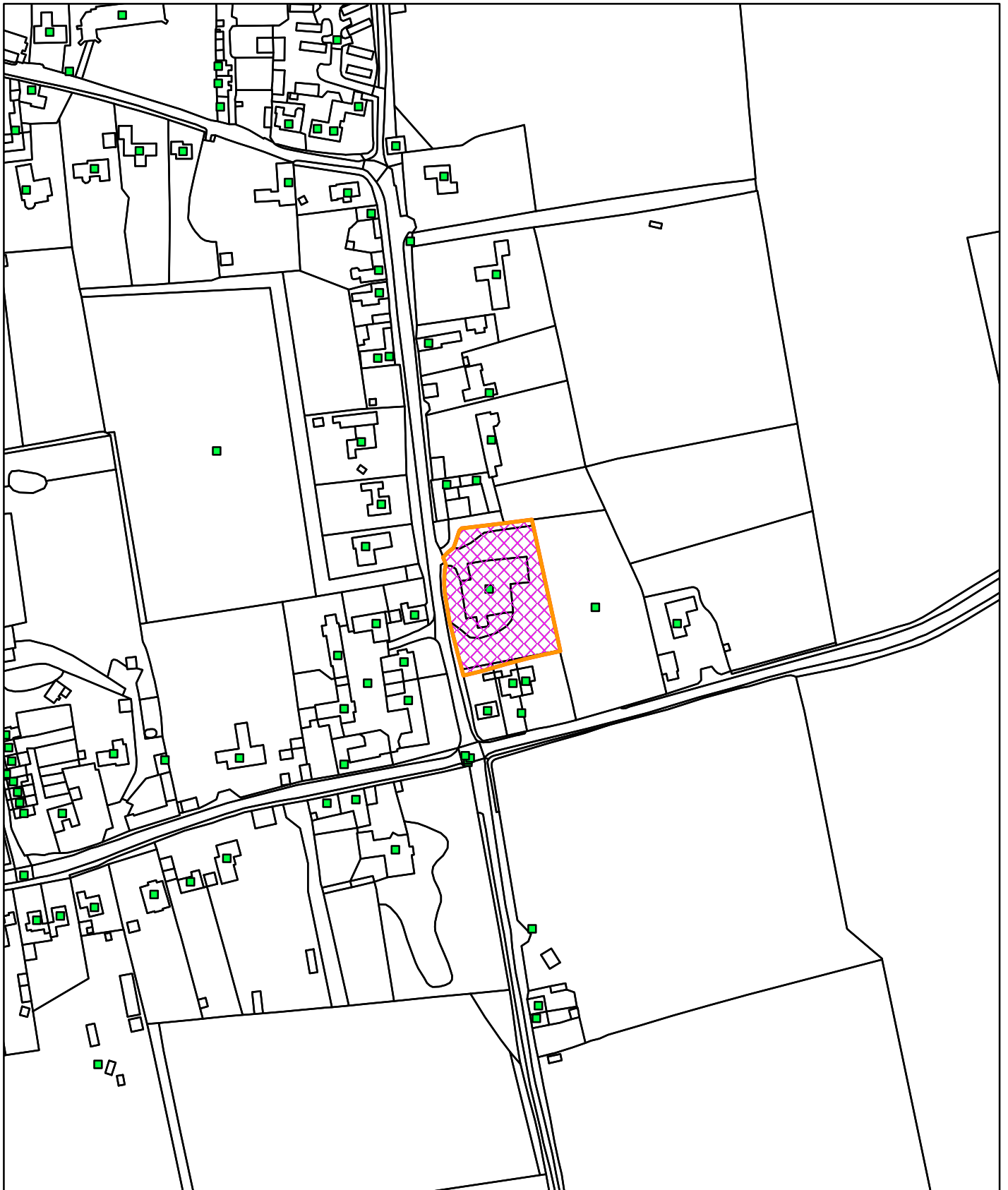
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95



22/01884/F

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96





<b>Parish:</b>	<b>Holme next the Sea</b>	
<b>Proposal:</b>	<b>Change of use from agricultural including the demolition of the existing barn and the replacement with five new dwellings</b>	
<b>Location:</b>	<b>Eastgate Barn Eastgate Holme next The Sea Norfolk PE36 6LB</b>	
<b>Applicant:</b>	<b>MILLTHORNE DEVELOPMENTS LTD</b>	
<b>Case No:</b>	<b>22/01884/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination: 9 January 2023 Extension of Time Expiry Date: 14 April 2023</b>

**Reason for Referral to Planning Committee** – officer recommendation is contrary to the views of the Parish Council.

**Neighbourhood Plan:** Yes

**Case Summary**

This application is for the demolition of the existing agricultural buildings on the site and the subsequent erection of five dwellings arranged as a group of agricultural barns forming a central courtyard with the rear facing private garden spaces on the outer edges of the site.

The site is allocated land for 5 dwellings under Policy HNTS 15: Site Allocation at Eastgate Barn of the Holme-next-the-Sea Neighbourhood Plan. The policy sets out the criteria for development within the allocation and thus forms the basis of determination of this planning application.

This application is an amended scheme submitted after the refusal of application reference 21/01947/F which was refused at Planning Committee in August 2022.

The application site is immediately adjacent to the Holme Next The Sea Conservation Area and is within the AONB.

**Key Issues**

- Principle of Development
- Holme Next The Sea Neighbourhood Plan Allocation Policy
- Impact on the Highway, Access and parking;
- Design, Impact on Form and Character
- Impact upon Neighbour Amenity;
- Effect on AONB;
- Impact on ecology and protected sites;
- Other material considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

This application is an amended scheme submitted after the refusal of application reference 21/01947/F which was refused at Planning Committee in August 2022.

Full planning permission is sought for the construction of 5 dwellings on a site currently occupied for agricultural buildings. Access is proposed via Eastgate, with the dwellings proposed as a mix of semi-detached and detached dwellings arranged in a courtyard format imitating the arrangements of a traditional agricultural yard. With a total site area of 0.3ha, the proposed scheme has a density of 16.66ha.

The application site is located on the eastern side of Eastgate with built form to the south, west and north. The site is a short distance along Eastgate which junctions with the A149 to the south. Landscaping is proposed to delineate each unit and provide parking areas and private garden spaces to the sides/rear.

The application site is immediately adjacent to the Holme-next-the-Sea Conservation Area.

The site is allocated land for 5 dwellings under Policy HNTS 15: Site Allocation at Eastgate Barn of the Holme-next-the-Sea Neighbourhood Plan. The policy sets out the criteria for development within the allocation and thus forms the basis of determination of this planning application.

The dwellings are proposed in a traditional courtyard/farmstead arrangement. Plots A&B are effectively 2 storey semi-detached dwellings however are designed with reduced eaves to emulate the proportions of traditional barns. Plots C&D are larger and more domestic in nature, with the proportions of traditional dwellings with a single storey car port link between. Plot E is a smaller bungalow with integrated car port and small feature porch.

Each dwelling is proposed to be finished in traditional stone infill panels and facing brickwork with various elements of detailing.

A boundary hedge/tree line runs along the west boundary of the site adjacent to Eastgate. The majority of this vegetation is proposed to be retained post development.

## **SUPPORTING CASE**

A supporting case was requested however none has been received at the time of writing this report.

## **PLANNING HISTORY**

21/01947/F: Application Refused: 24/08/22 - Change of use from agricultural including the demolition of the existing barn and the replacement with five new dwellings - Eastgate Barns – COMMITTEE DECISION

22/00090/TREECA: Tree Application - No objection: 07/06/22 - Row 1 - sycamore. Fell. Outgrowing location. Replant with a set back hedge. - Eastgate Barn – DELEGATED DECISION

21/00015/PREAPP: INFORMAL - Likely to refuse: 24/09/21 - PRE-APPLICATION ENQUIRY WITH CONSULTATIONS: Full: Principle of residential development for up to 5 dwellings - Eastgate Barn

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** comments summarised as follows:

- Revisions follow refusal of 21/01947/F in November 2021 and Holme PC have been consulted multiple times throughout the course of this current application
- Submissions are characterised by mistakes and inconsistencies
- The Allocation aims to provide 5 small homes of approximately 80-120 sqm gross internal floor area (GIFA) plus single garage (NDP Policy HNTS15).
- The supporting policy text also indicates that a small degree of flexibility may be needed to accommodate an appropriate mix of dwellings that provides some choice for prospective purchasers
- Houses are intended to be modest permanent dwellings for the community
- The price of properties in this area is inextricably linked to both their size and specification. The development (and the underlying policy objectives) therefore risks failure if the size limitations are not met.
- Size - Plots A&B have a GIFA of 143sqm rather than the 125sqm claimed - the first-floor areas below 1.5m / built into the eaves are useable floorspace and are included in the GIFA calculation. Voids totalling 18sqm at first floor level provide potential for dwellings to be 160sqm
- Site Area and Layout – layout is cramped and internal circulation awkward, access retained along north boundary and covenant restricts site further. Small gardens and tight circulation space combined with inappropriate location of garages/parking arrangements is poor quality design. Objection specifically to the access to land to the east should be restricted to for agricultural/farming purposes only
- Garages and Car Parking – access to detached car port is awkward/cramped, raises concern as to whether this will be used
- Trees – concern raised over inconsistent plan vs arboricultural report table and the details shown, concern that large portions of the existing hedgerow will be removed contrary to policy. Hedge has positive contribution to the street scene/local environment and in relation to biodiversity
- GIRAMS – Habitat Regulations Assessment should be completed

**Highways Authority: OBJECTION** – comments summarised as follows:

- The Local Highway Authority objected to the site in principle at allocation stage of the neighbourhood plan, due to highway safety impacts on the A149
- The proposed development would generate 30 daily vehicle movements which is well in excess of the agricultural use, which is likely to be more seasonal in nature
- At its Junction with A149, visibility to the east is limited by frontage hedging within third party land and to the west by a line of trees and buildings
- Securing visibility splays (on the A149) would require the use of land not within the Applicants control and so is not a viable option
- Visibility at access and junctions is a main contributor to highway safety and any increase in traffic movements through a substandard junction increases the risk of accidents occurring
- The LHA recommended refusal on the basis of substandard visibility splays, intensification of use onto the A149 and lack of safe links for pedestrians to local services

**Arboricultural Officer: NO OBJECTION** – tree/hedge planting and soft landscaping information should be provided

Natural England: NO OBJECTION GIRAMs fee required to mitigate impacts on Zone of Influence.

**Conservation Officer: NO OBJECTION** referred to improved fenestration of plots C & D.

**Environmental Quality: NO OBJECTION** in regard to air quality or contamination. Recommended contamination conditions.

## **REPRESENTATIONS**

**NINE** letters of **OBJECTION**, comments summarised as follows:

- Housing need is for smaller dwellings, these dwellings remain oversized and will be beyond financial reach of many locals
- Large amount of hardstanding
- Concern over cart shed being retained by developer
- Does not address or satisfy housing need in Holme-next-the-Sea
- Access track shrinks available land for proposed development
- Overdevelopment of site with impact on surroundings and adding nothing to biodiversity
- Plots C&D are larger than existing barn in terms of height and will be prominent
- Lack of turning facilities for larger vehicles on site
- Lack of formal visitor parking facilities
- Impact of sewage/drainage on local system
- Agreement with the Local Highway Authority regarding access safety
- Impact of loss of hedgerow and concern over Ash Tree on the side boundary

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** – Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy HNTS 1:** Principle of Sustainable Development

**Policy HNTS7:** Natural Capital and Ecosystem Services

**Policy HNTS15:** Site Allocation at Eastgate Barn

**Policy HNTS18:** Principal Residences

**Policy HNTS20:** AONB Landscape Quality

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2021

## **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Principle of Development
- Holme Next The Sea Neighbourhood Plan Allocation Policy
- Impact on the Highway, Access and parking;
- Design, Impact on Form and Character
- Impact upon Neighbour Amenity;
- Effect on AONB;
- Impact on ecology and protected sites;
- Other material considerations

### **Principle of Development:**

The application site is located on the east side of Eastgate and is known as Eastgate Barn. The site was previously in agricultural use and is occupied by agricultural buildings with areas of hardstanding.

Holme Next-The Sea is categorised as a Smaller Village and Hamlet in CS02 of the Core Strategy (2011) and therefore the entire settlement is considered to be within the Countryside for the purposes of Policy DM2 of the Site Allocations and Development Management Policies Plan (2016). However the site is allocated land within Policy HNTS15 of the Holme-Next-The-Sea Neighbourhood Plan (2021) and development on site is therefore acceptable in principle subject to compliance with the policy discussed below.

The site lies adjacent to the boundary of the Conservation Area and is within the AONB.

### *Previous refused application*

This submission is a revised version of the application refused at Planning Committee last year. The previous application was refused on the following grounds:

- 1 *The proposed residential development by reason of the internal floor space and the dwelling type and the number of bedrooms would be at odds with the Holme next the Sea Neighbourhood Plan. The objective of the housing allocation in the Neighbourhood Plan is to support new homes in the village to on the basis of the localism agenda, local preferences, strengthening the dwindling resident community and restoring balance in the housing stock toward smaller dwellings. Whilst there is a small degree of flexibility to accommodate an appropriate mix of dwellings that provide some choice for prospective purchasers the proposed dwellings are in excess of this flexibility and would represent*

Planning Committee  
3 July 2023

*an untoward form of development that would be contrary to Policy HNTS15. There are matters which weigh in favour of the proposal, however, these do not outweigh the harm of the increased size of dwellings which is a sustainable form of development for the village. As such, the proposal would conflict with Policy HNTS15: Site Allocation at Eastgate Barn of the Neighbourhood Plan 2016-2036, Policy CS01 and CS06 of the Core Strategy 2011, Site Allocations and Development Management Policies Plan Policy DM3 and the NPPF paragraphs 78 - 79.*

2. *There are trees and a hedgerow within the site which currently contribute to the character and appearance of the street scene and the Holme next the Sea Conservation Area. The trees and hedgerow are in close proximity to the proposed built form and it is not clear that they will be retained following the development of the site. The applicant has failed to support the application with a tree survey to identify the trees and hedgerow and a subsequent arboricultural impact assessment to demonstrate how the trees and hedgerow would not be damaged or influenced by the proposed built form. The application would therefore fail to satisfy criterion d of Neighbourhood Plan Policy HNTS 15, Core Strategy Policies CS08, CS12 and the Site Allocations and Development Management Policies Plan Policies DM2 and DM15.*
- 3 *The application site includes land which is not within Policy HNTS15 Housing Land Allocation. The parcel of land on the eastern side of the application site would therefore represent an encroachment into the countryside with a residential use. It is considered the proposal would change the character of the land and undermine the fringe of the village and the rural character beyond. There is no special justification for the encroachment into the countryside and the development could still be implemented within the allocated area without the change of use. As such the proposed encroachment would put the proposal at odds with Core Strategy Policies CS01, CS06, CS08, CS12 and the Site Allocations and Development Management Policies Plan Policies DM2 and DM15*

The plans were amended prior to submission of this application to reduce the floor area of the larger units and to remove study rooms at first floor which were considered easily convertible into fourth bedrooms (alongside other changes). Full consideration of compliance with the Neighbourhood Plan is discussed below.

In regards to the lack of a tree survey, an Arboricultural Assessment has been provided as part of this application which has not drawn objection from the Borough Council's Arboricultural Officer.

The third reason for refusal was based on a red line area extending out into the countryside. The red line for this current application aligns with the allocated site and does not extend further to the east.

### **Holme Next The Sea Neighbourhood Plan Allocation Policy:**

The application site is allocated for 5 dwellings under Policy HNTS15 of the Holme Next The Sea Neighbourhood Plan. The full policy text is as follows:

*'A single allocation will be made on the site of Eastgate Barn as shown on the map. This will be based on the following:*

- a. *Five small market homes of approximately 80 - 120 m2 gross internal floor area plus single garage, to be accessed from Eastgate*
- b. *Offering a choice of two and three bedrooms arranged as either single or two storey and including a choice of semi-detached and/or terraced properties.*

- c. *Traditional design and materials reflecting the character of the neighbouring, converted agricultural buildings at the Old Dairy and Manor Court and sympathetic to the Conservation Area setting*
- d. *Trees and hedgerows to be retained where possible and supplemented with landscaping incorporating native species*
- e. *Subject to all other policies in the NDP with the specific exception of access arrangements which may be varied to allow for a single point of access in order to reduce the impact on the Conservation Area or to satisfy highways requirements'*

## **Assessment against Policy HNTS15**

### **Criteria A - Five small market homes of approximately 80 - 120 m2 gross internal floor area plus single garage, to be accessed from Eastgate**

Five dwellings are proposed, accessed via an upgraded access point directly to Eastgate which will be shared by all units.

The definition of Gross Internal Floor Area (GIFA) within the Holme Next The Sea Neighbourhood Plan Glossary was changed during the course of this application and now refers specifically to IPMS standards. The following measurements have been taken on that basis.

Plots A & B - GF 76m <sup>2</sup> + FF 45m <sup>2</sup>	= 130m <sup>2</sup>
Plots C & D - GF 65m <sup>2</sup> + FF 55m <sup>2</sup> excluding stairwell 3.2m <sup>2</sup>	= 117m <sup>2</sup>
Plot E - GF 91m <sup>2</sup> + Veranda 9.4m <sup>2</sup>	= 100.4m <sup>2</sup>

The above measurements exclude the following areas in line with the International Property Measurement Standards (IPMS) guidance referred to within the Holme Next The Sea Neighbourhood Plan Glossary:

- Car ports not fully enclosed
- Upper-Level Stairwells
- Voids where the area including the enclosing wall is greater than 0.25m<sup>2</sup>
- Other ground level areas not fully enclosed
- Upper-level voids of an atrium

The measurement also excludes the covered walkway at ground floor between plots A & B as this is shared space not belonging solely to either unit, the walkway is also not fully enclosed and falls outside of the IPMS definition.

The wording of the allocation policy states dwellings should be approx. 80-120sqm plus a single garage. The proposed development is considered to accord with the measurements required, on the basis that flexibility is allowed by virtue of the usage of the word 'approximately' within the policy text. This approach is confirmed in paragraph 17.2.6 of the supporting text within the Neighbourhood Plan.

The application is therefore considered to comply with Criteria A of the allocation policy.

### **Criteria B - Offering a choice of two and three bedrooms arranged as either single or two storey and including a choice of semi-detached and/or terraced properties**

Plots A, B, C & D are each three bedrooms arranged over two storeys. Plot E is proposed as single storey 2-bedroom bungalow. Plots A & B are semi-detached dwellings, Plots C & D are link detached, via attached car port/utility room space, and Plot E is a detached bungalow.

The application is considered to comply with Criteria B of the allocation policy.

**Criteria C - Traditional design and materials reflecting the character of the neighbouring converted agricultural buildings at the Old Dairy and Manor Court and sympathetic to the Conservation Area setting**

The dwellings are proposed in a courtyard format which is broadly reflective of a traditional farmstead layout. The mix of dwellings proposed vary in design, with Plots A & B comprising more barn-like proportions with parapets and areas of glazing mimicking larger openings found on barns in the wider locality and the use of traditional stonework on the front and rear elevations.

Plots C & D are more domestic in character however continue to reflect the dwellings at Manor Court to the west of the site in terms of the use of materials and elements of detailing.

Plot E is smaller scale and is proposed as a simple proportioned bungalow, again with the use of traditional stonework proposed. Elements of the design reflect the character of small agricultural conversions, with timber posts on proposed to detail an integral car port.

The application site is outside of the Conservation Area, the boundary to which runs around the site adjacent to Eastgate. The Conservation Team raise no objections and the proposal would not cause harm to the setting of the Conservation Area. The loss of agricultural buildings of this type is considered to lead to enhancement of the Conservation Area setting, subject to conditions discussed in depth below.

**Criteria D - Trees and hedgerows to be retained where possible and supplemented with landscaping incorporating native species**

The site plan has been amended during the course of this application to indicate that no trees, other than a small row of sycamore tree previously approved for removal under 22/00090/TREECA would be removed to facilitate the proposed development. The Arboricultural Impact Assessment provided with this application shows this group of sycamores (G1a) as Category U.

An Arboricultural Report submitted with this application states that parts of a hedgerow to the west of the site are in need of removal however this is inconsistent with the amended site plan and not been updated to reflect the changes. The Agent has also since confirmed via additional correspondence that this application does not seek to remove any tree nor hedgerow element that has not previously been agreed under 22/00090/TREECA.

It is considered that suitably worded conditions can be used to ensure no parts of the hedgerow are removed until full details of the removals and their replacement are agreed in writing by the LPA. This condition will also allow the infilling of any gaps in the hedgerow to provide for privacy for Plot E.

The Arboricultural Impact Assessment suggests a detailed Method Statement and Protection Plan should be produced in line with the British Standard prior to commencement, and such details could also be conditioned.

The Parish Council have raised concern in regard to the number of trees and parts of hedgerows that are proposed to be removed however the loss of trees and hedgerows has not drawn objection from the Borough Council's Arboricultural Officer, subject to conditions requiring details of replacement planting. The site plan has since been amended.



It is considered that, given the level of information provided to support this application that conditions requiring additional details for parts of hedgerows are capable of retention as well as the type/size of replacement planting are an acceptable means of control. Further hard and soft landscaping conditions will be required to ensure that each plot is sufficiently landscaped, and the parking/turning areas appropriately surfaced.

The Local Planning Authority's standard conditions for landscaping refer to the replacement of any tree/hedge that dies within 5 years of completion of development being replaced with a plant of similar standard. This condition can be appended to any consent to ensure that planting is appropriate for the locality in the longer term.

**Criteria E - Subject to all other policies in the NDP with the specific exception of access arrangements which may be varied to allow for a single point of access in order to reduce the impact on the Conservation Area or to satisfy highways requirements**

The application is considered to comply with the remaining policies of the Holme Neighbourhood Plan, addressed within the text throughout this report.

**Impact on the highway, access and parking:**

Highway safety did not form a reason for refusal of the previous application, where the Applicant provided a Transport Statement which outlined how the additional traffic movements were unlikely to have an adverse impact on the operation or safety of Eastgate or the Eastgate/A149 junction. Notwithstanding the fact that this Transport Statement has not been provided as part of this application, the highway safety impacts have not changed since the determination of this previous application.

Core Strategy Policy CS11 requires new development to reduce the need to travel and promote sustainable forms of transport appropriate to their location. SADMPP Policy DM15 requires that development proposals should demonstrate that safe access can be provided and adequate parking facilities are available. SADMPP DM17 refers to parking provision within new development.

The Neighbourhood Plan has been through a formal adoption process with the Eastgate Barn allocation selected for a proposed housing allocation following a rigorous process of consultation and assessment using the accepted methodology. Whilst the objection from the Highway Authority is noted the concerns stem from the junction with the A149 and not the site itself.

Paragraph 111 of the NPPF states: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

A significant factor in the determination of this application is that Eastgate is currently being used by existing residents and visitors for access onto the A149 which also serves and connects to Kirkgate from the north.

Therefore, taking into account the land allocation, the existing use of Eastgate and that the access into the site itself is acceptable it is considered it would be difficult to sustain a refusal on the scheme having a severe highway impact on the A149.

Car parking of an appropriate standard for each unit has been provided on site. Whilst one space for Plot B is away from the immediate driveway outside of this unit, the overall impact in terms of convenience for car users is negligible and sufficient space is provided on the site

as a whole to demonstrate accordance with the standard required. Given the requirements of Policy HNTS15 in regards to floor space and the lack of specific visitor parking provided on site, conditions are recommended to ensure that the car ports are not enclosed in order to ensure that parking spaces are retained in accordance with the required standards.

The proposal therefore complies with Policies CS11, DM15 and DM17 insofar as access and parking arrangements.

### **Design, Impact on Form and Character**

The Holme-next-the-Sea Neighbourhood Plan requires design to be of a high quality which takes into account the surrounding locality.

The dwellings are proposed in a traditional courtyard/farmstead arrangement. Plots A&B are effectively 2 storey semi-detached dwellings however are designed with reduced eaves to emulate the proportions of traditional barns. Plots C&D are larger and more domestic in nature, with the proportions of traditional dwellings and a single storey car port link between. Plot E is a smaller bungalow with integrated car port and small feature porch.

In regards to ridge and eaves heights, plots A & B have a total height of 7.5m, 3.5m to eaves. Plots C&D have a total height of 8.1m, 5.1m to eaves – the link in between has a total height of 4.8m. Plot E is single storey with a total height of 5.8m, 2.8m to eaves. The cart shed is 4.6m to ridge.

Each dwelling is proposed with traditional stone infill panels and facing brickwork with various elements of detailing.

The proposed development is considered to accord with the wider locality in regards to design and the use of building materials. Conditions are recommended to ensure full details of materials and a sample panel are provided and agreed.

There are level differences on site versus the adjacent road and wider street scene which are not proposed to be altered. The level differences result in a step up when accessing the site, with the site itself being relatively flat. The higher land levels will result in the houses on site being more prominent, however the layout of the site with Plot E being single storey towards Eastgate will limit any significant visual impact as a result of level differences and provide a transition in building heights.

The application site is immediately adjacent to the Conservation Area. The Holme-next-the-Sea Conservation Area Character Statement makes limited reference to barns on Eastgate however does not that the barns on Eastgate, though outside of the Conservation Area, impinge upon it.

The proposal would result in the removal of a utilitarian agricultural building which detracts from the Conservation Area and the proposed design is considered likely to enhance the setting of the Conservation Area, in line with the NPPF (2021), Policy DM15 of the SADMPP (2016) and Policy HNTS12 of the Neighbourhood Plan.

### **Impact upon Amenity**

It is considered the proposed development would not significantly harm the level of amenity for the properties to the north and west of the site in terms of a reduction in daylight sunlight and the presence of the built form (overbearing). The access road proposed to the north provides a further degree of separation between built form.

To the south of the site there are residential properties which face the site, namely, 1 and 2 The Square. A further property, Redwings (2 Eastgate) is further to the south and as such would not be significantly affected.

Approximately 20.5m is provided between the rear elevation of Plots C & D and the north elevation of the dwellings at The Square. Two un-obscured windows are existing on the north elevation of the neighbouring semis (one serving each property). Whilst a viewpoint between dwellings would be provided, given the existing site conditions, distances and angles, and the location of 'sitting out' areas for these adjoining dwellings to either side of the property (east/west), the proposed distances are considered acceptable in principle.

Internally, separation distances between units are acceptable. Garden sizes vary between plots however it is considered that a suitable level of amenity would be provided for each proposed dwelling. Given the constraints of the site, it is considered that permitted development allowances removing rights for extensions/alterations would be reasonable and necessary to retain a good standard of amenity for future occupiers.

The existing dwelling to the north is at a slightly lower level. Whilst Plots A&B and the proposed detached car port will be visible from the neighbouring dwelling in this direction, given distances of in excess of 8.5m and the divide provided by the proposed agricultural access point, no significant overbearing or overshadowing impacts on this adjoining dwelling are likely.

Ground levels between the site and the dwellings to the south remain similar. As discussed above, Plots C&D are sufficiently distanced from these adjoining dwellings to minimise overbearing impacts on these dwellings.

Plot E, adjacent to Eastgate, will be screened from view from the road by existing hedging which will prevent adverse impacts on properties on the opposite side of Eastgate.

Conditions discussed above relating to the retention and infilling of the boundary hedgerow would provide privacy for the rear curtilage of Plot E.

The proposed development is considered to comply with the NPPF, Policies CS08 and DM15 of the Local Plan and Policy HNTS11 of the Holme-next-the-Sea Neighbourhood Plan.

### **Effect on AONB**

It is considered the proposed built form would represent an enhancement compared to the existing building which occupies the site. Boundary treatments along the east of the site will be conditioned to ensure a suitable soft boundary to minimise the impacts of long views available in that direction from the open countryside. The proposal complies with the aims of the NPPF (2021), Policies CS12 and DM15 of the Local Plan and Policy HNTS20 of the Neighbourhood Plan.

Conditions are recommended to control external lighting in line with Policy HNTS20.

### **Impact on Ecology and Protected Sites**

The GiRAMS fee has been paid as part of this application and a Habitats Regulations Assessment determines that planning permission can be granted. The GiRAMS fee will appropriately mitigate in-combination impacts on protected sites as the site is within the Zone of Influence for sites including the Wash SAC/SPA and the North Norfolk Coast SAC/SPA.

In terms of direct impacts on ecological assets, the application has been supported by an Ecological Assessment comprising an Extended Phase 1 Habitat Survey and building inspection, identifying the site contains a limited range of habitats, consisting of areas of semi-improved grassland, ruderal and ephemeral vegetation, and substantial, species-poor hedgerows. The building footprint would occupy previously built ground, bare earth, and some areas of short ephemeral grassland.

The Ecological Assessment outlines that direct impacts are unlikely, stating that the building has negligible potential for roosting bats within buildings and that other species including reptiles, natterjack toads, badgers, water voles and great crested newts are also unlikely to be on site or impacted by the development. Bird nests were however found within trees and further evidence found within buildings.

Given the limited tree/hedgerow removals deemed to be required to facilitate development, the impacts of birds nesting in trees or buildings is unlikely to be significant – the Ecological Report sets out controls to mitigate this and other legislation exists to further prevent harm.

It is considered the best practice measures advocated in the report are acceptable and afford suitable protection for species.

Ecological enhancements can be provided through the additional planting required via condition. Those enhancements noted within the Ecological Assessment provide sufficient levels to ensure the scheme is consistent with the Local Plan. Such measures can be secured by planning condition.

The development complies with the NPPF (2021), Policy CS12 of the Local Plan and Policies HNTS1, HNTS7 of the Holme-next-the-Sea Neighbourhood Plan in regard to protected species and impacts on protected sites.

### **Other Material Considerations**

*Contamination* As a result of the existing use on site, the Environmental Quality Team have recommended full contamination conditions are appended to approval to ensure no adverse impacts are likely. Comments from the Air Quality team are noted and will be covered at Building Regulations stage.

*Drainage* Conditions are recommended to ensure full details of proposed drainage systems, both foul and surface water, are provided prior to the commencement of development on site.

*Response to Parish Council* The Parish Council raised concern surrounding the retention of an access track to the land to the east, stating that this land should only be utilised for agricultural purposes. This application does not seek any change of use of this land and any future change of use would require planning permission in its own right.

This committee report has been drafted based on Holme Parish Council's most recent comments and floor space is considered in depth above, however it should be noted that throughout the course of this application, Holme-next-the-Sea Parish Council removed their objection based on floor area (in comments dated 26th January) and subsequently reraised concerns on floor area in more recent comments (18th May). The floor space of the dwellings did not change during this time the primary change was the position of buildings within the site to allow additional garden area for plots A&B. Other changes were made to the roof of Plot E but these did not alter the floor space of any unit.

Part of the Parish Council's objections refer to the submission being characterised by mistakes and inconsistencies. When originally submitted, the application was submitted alongside the old version of the planning statement in error – this has since been updated and the most recent planning statement is largely accurate, although there are minor differences in how the floor space has been measured versus the information above. Whilst acknowledging that some issues had been resolved throughout the course of this application, the Parish Council then refer to the newer plans being a step back in terms of consistency and compliance. As noted above, the changes in plans in this round of consultation were minor and it is not considered that any significant mistakes or inconsistencies are present or shown within the plans which will be condition.

*Principal Residences – Policy HNTS18* The Holme-next-the-Sea Neighbourhood Plan includes a principal residence policy which requires new dwellings to be suitably controlled, stating that any new dwelling within the Neighbourhood Plan area should be controlled via planning condition and Section 106 legal agreement to ensure the dwellings are occupied as main or sole residences.

The Planning Practice Guidance (PPG) sets out that legal agreements should only be used where it is not possible to secure the development via planning conditions. In this instance, it is considered that a suitably worded planning condition will adequately control the occupation of each unit and it is not considered reasonable or necessary to replicate this control via a S106 agreement.

## **CONCLUSION**

The proposed development is considered to overcome the previous reasons for refusal.

The application is wholly within the allocated site boundary shown within the Holme-next-the-Sea Neighbourhood Plan and, subject to conditions relating to details of hard and soft landscaping, is considered to comply with the aims of Policy HNTS15.

Whilst comments from the Local Highway Authority regarding the access leading to the A149 are noted, this did not form a reason for refusal of the previous application and the proposed development site has been allocated for this number of houses and the principle is therefore established. The proposed development, subject to standard access/turning area conditions, is considered acceptable on highway safety grounds.

The design of the proposed dwellings imitates houses and barn complexes in the wider locality in line with the requirements of the allocation policy and separation distances are considered acceptable.

Conditions are recommended to ensure suitable tree/hedgerow details are provided prior to any removals on site.

The application complies with the NPPF (2021), Policies CS01, CS08, CS12 of the Core Strategy (2011), Policy DM15 and DM17 of the SADMPP (2016) and Policies HNTS1, HNTS7, HNTS15, HNTS18 and HNTS20 of the Holme-next-the-Sea Neighbourhood Plan.

The application is therefore recommended for approval, subject to the imposition of the conditions below.

## RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
543-P213 D - Site Plan and Site Sections  
543-P212 B - Plots A&B Floor Plans, Roof Plan and Elevations  
543-P211 C - Plots C&D Floor Plans, Roof Plan and Elevations  
543-P210 C - Plot E Floor Plans, Roof Plan and Elevations  
543-002 - Location Plan
- 2 Reason: For the avoidance of doubt and in the interests of proper planning in accordance with the NPPF.
- 3 Condition: The dwellings hereby approved shall be occupied only as the primary (principal) residence of those persons entitled to occupy it. The occupiers of the dwelling shall be required to provide evidence that they are meeting the requirements of the condition, and shall make this information available at all reasonable times to the Local Planning Authority
- 3 Reason: In order that the development permitted is in accordance with the requirements of the Holme-next-the-Sea Neighbourhood Plan
- 4 Condition: Notwithstanding the details that accompanied this application, no building works, demolition or other operation shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, engineering work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles) until a tree survey showing the following has been submitted to and approved in writing by the Local Planning Authority:
  - a) a plan indicating the location of and allocating a reference number to each existing tree and to each plant within the hedgerow along the west boundary of the site, showing clearly which trees/plants are to be retained and which trees/plants are to be removed;
  - b) details of the species, diameter, approximate height and condition of each aforementioned tree/plant in accordance with the current version of BS:5837; and
  - c) planting plans indicating the size and species of any replacement trees/plants, including the provision of heavy standard native species hedgerows;
- 4 Reason: To ensure that the loss of existing established trees and hedgerows is minimised and that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 5 Condition: No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained as agreed under Condition 4 have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of

fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 5 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 6 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 6 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 7 Condition: Prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatments finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate. Details shall include the provision of a soft boundary along the east boundary of the site.
- 7 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 8 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, the enlargement of a dwelling house consisting of an addition or alteration to its roof, or the erection or construction of a porch outside any external door of a dwelling house, shall not be allowed without the granting of specific planning permission.
- 8 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 9 Condition: Prior to the first occupation of the development hereby permitted the vehicular/pedestrian/cyclist access/crossing over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning

Authority in accordance and thereafter retained and maintained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

- 9 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with the NPPF (2021).
- 10 Condition: Prior to the first occupation of any dwelling hereby permitted, the proposed on site car parking/turning areas shall be completed in accordance with the agreed details. The parking and turning areas shall be retained and maintained in that position thereafter.
- 10 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 11 Condition: Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order (2015), no doors/gates/other means of enclosure shall be installed/erected to enclose the car ports/cart sheds shown on dwg Nos. 543-P211 Revision C and 543-P210 Revision B.
- 11 Reason: To ensure the proposed parking areas are retained available for that specific use in accordance with Policy DM17 of the SADMPP (2016).
- 12 Condition: Notwithstanding the details shown on the approved plans, no development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 12 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 13 Condition: Notwithstanding the details shown on the approved plans, no development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 13 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 14 Condition: Any outdoor lights associated with this proposed development shall be:
  - 1) fully shielded (enclosed in full cut-off flat glass fitments)
  - 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
  - 3) switched on only when needed (no dusk to dawn lamps)
  - 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources



- 14 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and Policy HNTS20 of the Neighbourhood Plan.
- 15 Condition: No development or other operations shall take place on site until a detailed construction management statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
- (a) the methods to be used and the measures to be undertaken to control the emission of dust, noise, and vibration from the operation of plant and machinery to be used;
  - (b) the location of any temporary buildings and compound areas;
  - (c) the location of parking areas for construction and other vehicles;
  - (d) the measures to be used to prevent the deposit of mud and other deleterious material on the public highway; and,
  - (e) a scheme for the management and signage of all construction traffic.

The development shall be carried out in accordance with the approved construction management statement throughout the construction period.

- 15 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 16 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 16 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 17 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - \* human health,
    - \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - \* adjoining land,
    - \* groundwaters and surface waters,
    - \* ecological systems,
    - \* archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).

- 17 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 18 Condition: Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 18 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 19 Condition: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 19 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 20 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 19.

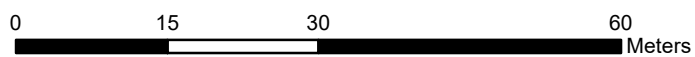
- 20 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23/00253/F

Riverbank Between Arc Rouge and up to Date Cottage Lowside Outwell PE14 8RF



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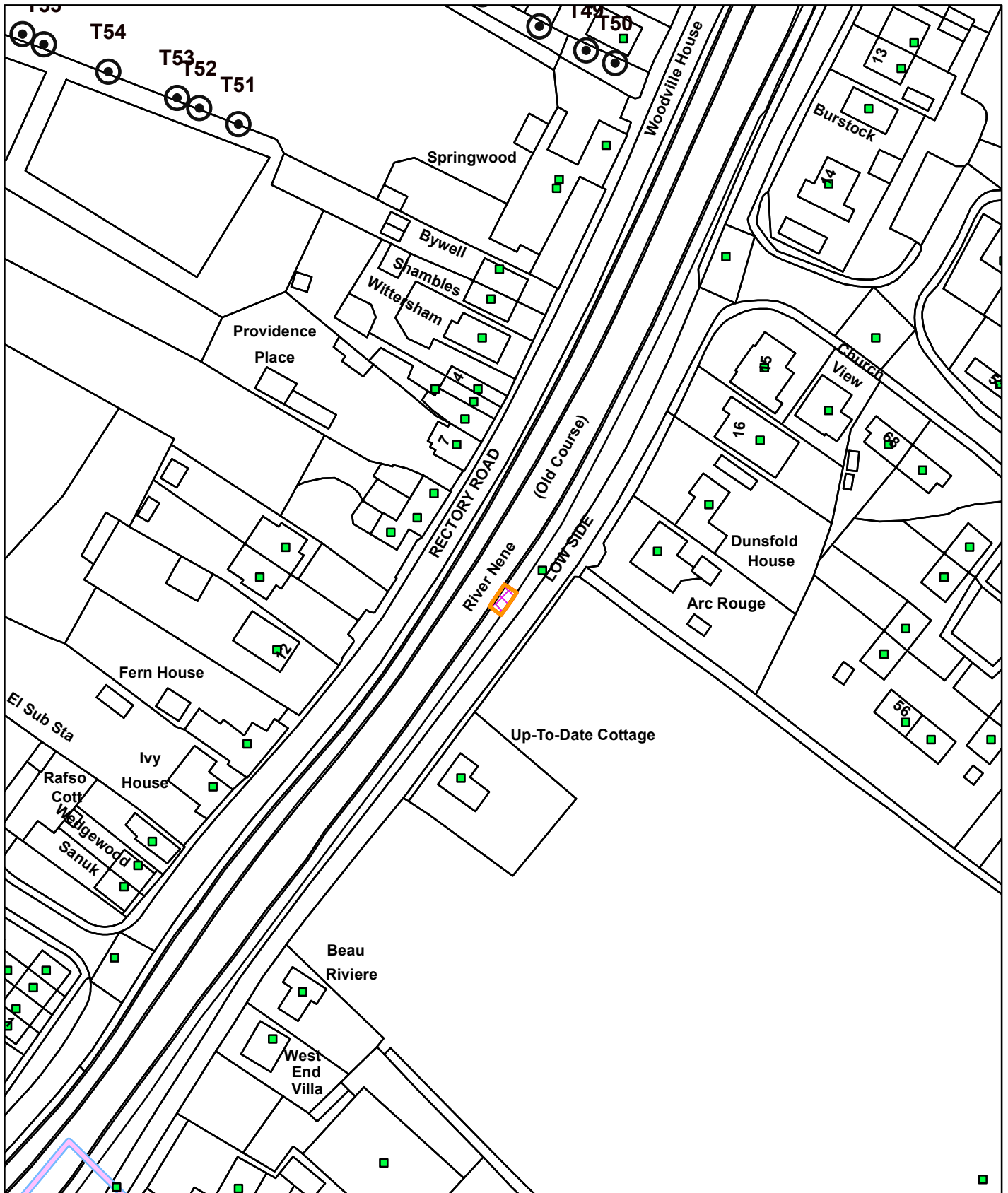
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116

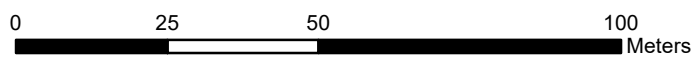


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117



<b>Parish:</b>	<b>Outwell</b>	
<b>Proposal:</b>	<b>Extension to existing fishing platform for instructing children to fish.</b>	
<b>Location:</b>	<b>Riverbank Between Arc Rouge And Up To Date Cottage Lowside Outwell Norfolk PE14 8RF</b>	
<b>Applicant:</b>	<b>C/o Agent</b>	
<b>Case No:</b>	<b>23/00253/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Bradley Downes</b>	<b>Date for Determination: 17 April 2023 Extension of Time Expiry Date: 7 July 2023</b>

**Reason for Referral to Planning Committee** – Parish Council response contrary to officer recommendation and sifting panel referred to Planning Committee

**Neighbourhood Plan:** No

**Case Summary**

The application is for an extension to an existing timber fishing platform on the riverbank. The fishing platform is used by both by adults, and for instructing children to fish. The site lies on the south-east side of the river on Lowside, Outwell. The proposed extension to the platform shall be constructed from timber.

**Key Issues**

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Any other matters requiring consideration prior to determination of the application

**Recommendation**

**APPROVE**

**THE APPLICATION**

The application is for an extension to an existing timber fishing platform on the riverbank. The fishing platform is used in association with the Well Creek Trust for instructing children to fish and occasional use by adults. The site lies on the south-east side of the river on Lowside, Outwell approximately 250m south-west of the centre of the village. The proposed extension to the fishing platform shall be constructed from timber.

## **SUPPORTING CASE**

There has been objection about access to farmers field behind platform with parking. The field has 2 access points less than 100m apart. Last year the farmer was on field several times and had no problem accessing it.

Another objection was adults only use this platform. Since it opened I have done over 160 coaching sessions with some sessions getting my daughter over to help as she is DBS checked because I've had 4 and even 6 kids in a session. It is only used for children during weekends and school holidays, also some evenings.

When it's not in use for children, some of the less balanced on their feet and elderly are allowed to use it as it is one of the safest places for them to fish from, especially in the winter months. I already have over 10 bookings in next couple weeks and season only starts tomorrow

As for parking causing a danger I have spoken to a few police officers who very often stop and see how kids are doing and they have never mentioned any concern.

You can see the reports from parents by searching online for Martin's fishing for kids

## **PLANNING HISTORY**

20/01732/F: Application Permitted: 15/01/21 - Timber fishing platform and steps for instructing children

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECT**

People have observed that children do not use this platform. Lowside is very narrow and any further parking affects the flow of traffic but also its use by pedestrians. It will cause more fury for farmers trying to negotiate the access which is opposite the platform.

### **Local Highway Authority: NO OBJECTION**

## **REPRESENTATIONS**

3 letters have been received from third parties raising objections to the proposed development, including a letter from Cllr Crofts. The following salient points were raised:  
Landing stage for Up-to-date cottage was refused by the MLC as it would have been too narrow for boats to pass.  
Access to field opposite the fishing platform is difficult due to parked cars.

### *Cllr Crofts letter*

Platform is mostly used by adults.

Parking on street makes it difficult to leave driveway of Arc Rouge safely.

Traffic is often held up by on street parking associated with the fishing platform. extension would enable more cars to be parked on roadside.

Hardstanding should be provided so that cars can be parked off road.

Planning Committee  
3 July 2023

## **LDF CORE STRATEGY POLICIES**

**CS11** - Transport

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Any other matters requiring consideration prior to determination of the application

### **Principle of Development:**

The application is for the extension to an existing fishing platform on the river in Outwell. The site lies outside of the development boundary for Outwell but near the centre of the village. The development is for the extension of an existing use which was granted planning permission under 20/01732/F for a fishing platform for instructing children to fish. The platform is used in association with the Well Creek Trust. The development would enhance the recreational offering from the river and is considered to be a sustainable location near the centre of Outwell in accordance with Policy CS06. Overall, it is considered the principle of development is acceptable.

### **Form and Character:**

The proposed extension is approximately 6m long and with the existing 6m landing stage would create a 12m long landing stage. The site lies on the south side of the river and north of Lowside. There are other fishing platforms and landing stages in the area which contribute to the waterside character of the area. The proposed development would be in keeping with the design and materials of the existing fishing platform and would maintain the character of the area in accordance with Policies CS06 and DM15 of the Development Plan.

Planning Committee  
3 July 2023



### **Impact on Neighbour Amenity:**

It is considered the nearest residential neighbours at Arc Rouge (approximately 27m east) and Up To Date Cottage (approximately 34m south) would not experience any significant noise or disturbance impact above existing as a result of the proposed extension. There are no other residential neighbours in close enough proximity which would experience any significant impacts. There are no known noise complaints regarding the existing use of the fishing platform. Overall, it is considered the proposed development would not have any significant adverse impact on residential amenity in accordance with Policy DM15 of the SADMPP 2016.

### **Highway Safety:**

Concern has been raised by the Parish Council and third-party representations regarding the potential for increased on street parking. It is noted that Lowside is two-lane width with relatively low levels of traffic. The proposed extension to the fishing platform is not considered likely to give rise to a significant increase in parking requirements. The current use of the fishing platform is not subject to any restrictions in terms of hours of use or numbers of people under 20/01732/F. It is considered limited on-street parking of the scale that may result from the proposed development would not have any significant adverse impact on highway safety.

It is noted the landing stage lies directly opposite a field access, however the same field has alternative access approximately 100m to the south-west which would not be affected. The Local Highway Authority do not object to the proposed development. To ensure that the extended fishing platform is not sold or let to be used for an independent business or commercial purpose that could give rise to a more significant increase in on-street parking, the decision will be conditioned to ensure it is used only in association with the existing fishing platform. Overall, it is considered the development would not have any significant adverse impact on highway safety, in accordance with Policies CS11 and DM15 of the Development Plan.

### **Other matters requiring consideration prior to the determination of this application:**

The Middle Level Commissioners have been notified as indicated on the application form and no response has been received on this application.

Concern has been raised by third parties and the Parish Council regarding whether the platform is indeed used for teaching children. The agent has indicated that it is used to teach children to fish, but also for adults to use when teaching is not taking place. The applicant is working with the Well Creek Trust who partly owns the fishing platform, and states on their website that people are free to use any of their platforms as long as they hold a fishing license. At its core, the application is for the extension to an existing fishing platform and it would not be necessary or reasonable to restrict its use to children only.

### **CONCLUSION:**

The proposed extension to the fishing platform would be in accordance with Borough Council Policies for sustainable development in rural areas under Policy CS06. Furthermore, it is considered the development would not have any significant impact on the character and appearance of the area or on residential amenity in accordance with Policy DM15 of the SADMPP 2015 and Policies CS06 and CS08 of the Core Strategy 2011. Lastly, the

Planning Committee  
3 July 2023

proposed extension would not result in any significant highway safety hazard in terms of on-street parking in accordance with Policies DM15 of the SADMPP 2016 and CS11 of the Core Strategy 2011. It is the officer's recommendation that permission be granted for the proposed development subject to the conditions set out below.

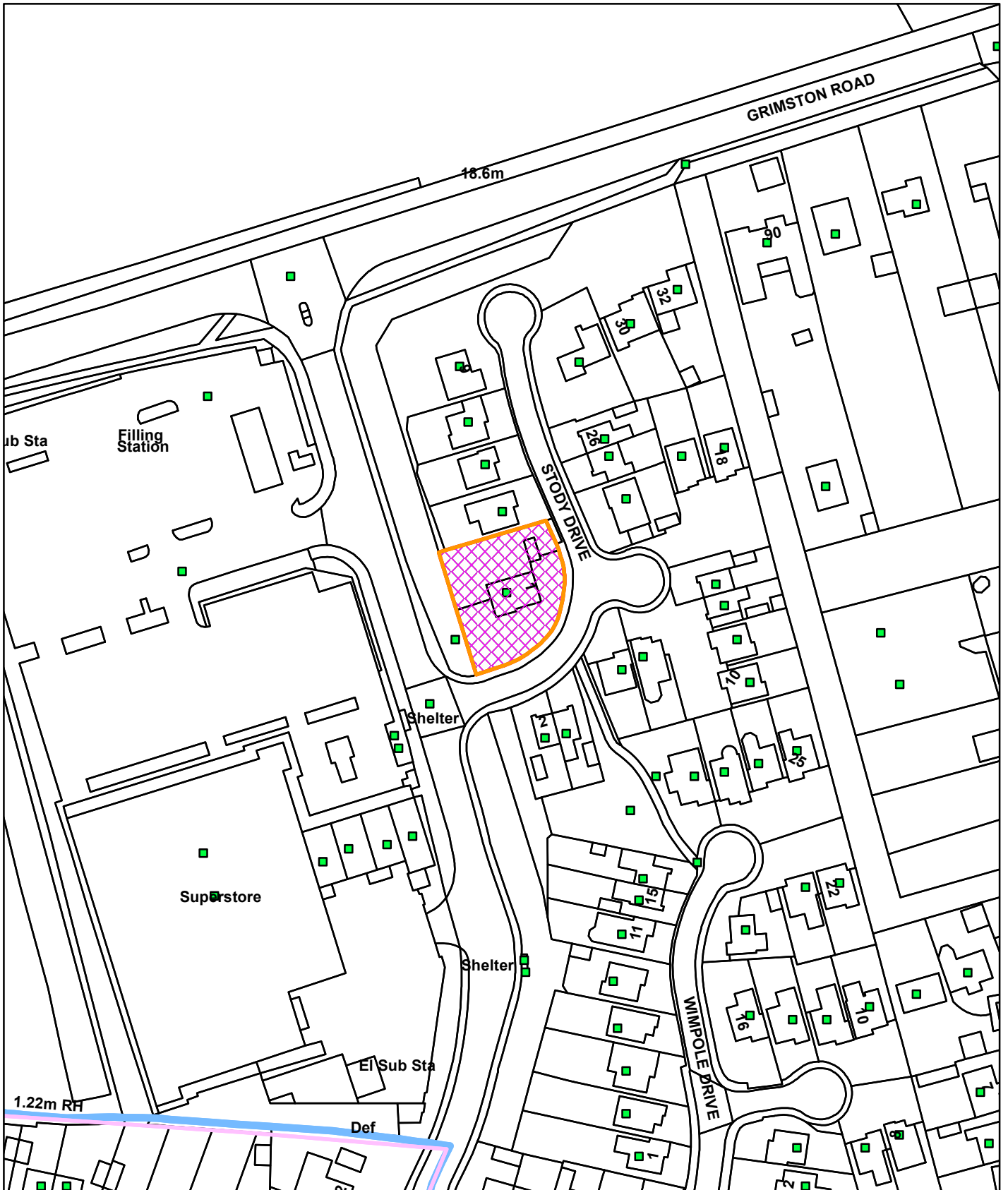
**RECOMMENDATION:**

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

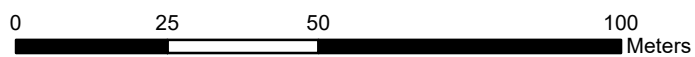
- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans. Dwg nos. 2151 Rev A (Location Plan and Block Plan), and 2151 Rev A (Proposed Elevations and Section).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The extension to the fishing platform hereby permitted shall be used in association with the existing fishing platform shown in blue on the approved location plan and shall at no time be used for an independent business or commercial purpose.
- 3 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.

21/01921/F

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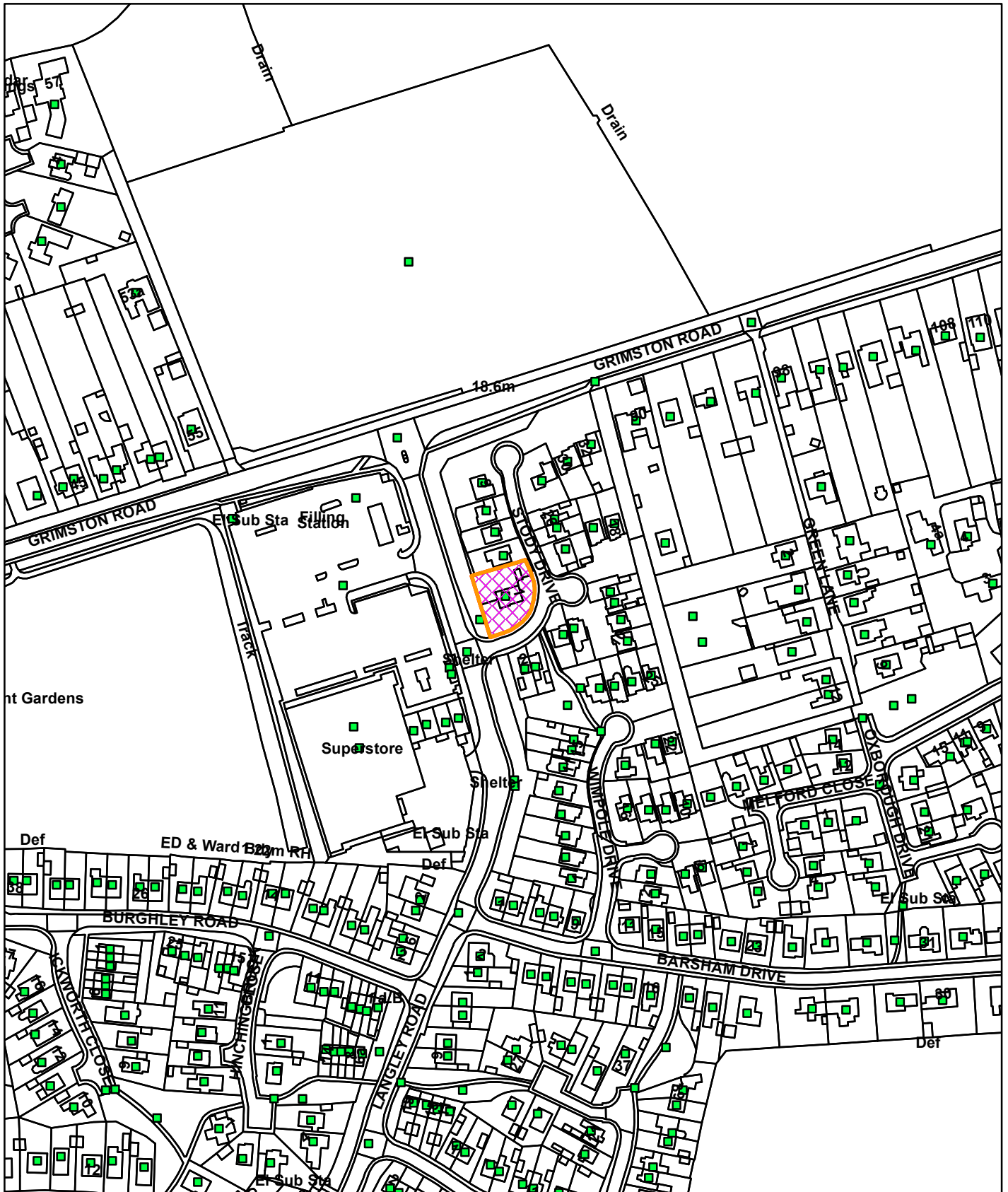
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123



21/01921/F

1 Stody Drive South Wootton Kings Lynn Norfolk PE30 3UQ



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22/06/2023



<b>Parish:</b>	<b>South Wootton</b>	
<b>Proposal:</b>	<b>2no. proposed dwellings following demolition of existing dwelling</b>	
<b>Location:</b>	<b>1 Stody Drive South Wootton King's Lynn Norfolk PE30 3UQ</b>	
<b>Applicant:</b>	<b>Mr Bush</b>	
<b>Case No:</b>	<b>21/01921/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Olivia Luckhurst</b>	<b>Date for Determination: 31 January 2022 Extension of Time Expiry Date: 7 July 2023</b>

**Reason for Referral to Planning Committee** – Parish Council object and referred by Sifting Panel

**Neighbourhood Plan: Yes**

**Case Summary**

The application site is located within the defined settlement boundary for South Wootton. South Wootton lies on the north side of King's Lynn and is a favoured residential area with its own distinct identity. The built environment predominantly consists of modern two storey, semi-detached and detached residential development. To the west of the site is a large supermarket and a petrol filling station.

The site is currently host to a modest, detached bungalow and associated amenity land within a residential cul-de-sac and positioned on a corner plot.

The proposal seeks permission for the demolition of the existing dwelling and the construction of two, two storey, detached dwellings.

Amendments have been provided throughout the course of the application process showing a revised design and layout for the dwellings. Discussions were also had regarding the existing earth bund and acoustic fencing which have now been retained and included within the proposal.

**Key Issues**

- Principle of Development
- Form and Character
- Impact on Neighbour Amenity
- Highway Safety and Parking
- Other Material Considerations

**Recommendation**

**APPROVE**

## THE APPLICATION

The application site is located within the settlement boundary of South Wootton on a residential cul-de-sac accessed via Langley Road. The site is currently host to a detached bungalow constructed from red brick with upvc windows and doors.

Planning permission is sought for two, two storey three bedroom detached dwellings. The dwellings would front the entrance to Stody Drive with a parking and turning area located to the front (south).

The dwellings would measure 8.4m in height, 9.2m in width and 8.7m in depth and would be constructed from buff brick with upvc windows and aluminium doors.

A total of 4no. parking spaces would be located to the front of the plot (south).

The existing earth bund would be retained on the western boundary along with a 1.8m acoustic fence positioned adjacent.

## SUPPORTING CASE

The applicant will be providing a supporting statement through late correspondence.

## PLANNING HISTORY

10/02081/F - Permitted - Extension to rear of dwelling – Delegated – 21.01.2011

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT:** The Parish Council feels that the formation of the new proposed dwellings would create a harmful character to the surrounding area and is contrary to Policy CS08 of the adopted Kings Lynn & West Norfolk Borough Council Core Strategy and the South Wootton Neighbourhood Plan Policy H3.

The new dwellings will have little private amenity space contrary to the characteristic of the built form in the locality. The proposed dwellings would comprise a cramped form of development and represent an incongruous addition to the street scene, contrary to the NPPF and the South Wootton Neighbourhood Plan, Policies H2, H3 and H4.

Parking remains a concern at this location.

It is noted that there is an earth bund in situ on the site which is not shown on the existing site plan, it appears that this will be in the way of the proposed site layout. The Parish Council feels this must stay in situ, as it was put in place to provide noise attenuation to protect residential amenity from activities associated with the adjacent supermarket, car park and filling station.

South Wootton consists of a largely elderly demographic, many of these residents live in large 4-bedroom properties and would like to move into a single storey dwelling (bungalow). South Wootton Parish Council has submitted a revision of our Neighbourhood Plan to the Borough Council of Kings Lynn & West Norfolk which is currently receiving attention. Although we understand that the Revised Plan has not been adopted by the Borough

Planning Committee  
3 July 2023

Council yet, the Parish Council would respectfully ask that our views are acknowledged, and the plans are refused.

**Highways Authority: NO OBJECTION:** Having examined the revised plan 02 Rev I, I observe that the distance between car parking spaces has been increased to accord with the adopted standard. Therefore, no objections to the principle of the application subject to conditions relating to new access specifications, closure of other accesses, removal of pd rights for gates etc., visibility splays, parking provision to accord with the approved plans.

**Natural England: NO OBJECTION:** No comments to make.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION:** The site is on land that is first seen developed from aerial photography in 1999.

Previous to this the site was an undeveloped field. The surrounding landscape is largely residential with a commercial premises and petrol station to the west separated by a road. Due to the age of the property and the need for demolition of the garage there may be asbestos materials present. We have no objections regarding contaminated land but recommend an asbestos informative be appended to any permission granted.

The proposed development will include the refurbishment/replacement of the existing building which could contain asbestos materials. The Control of Asbestos Regulations 2012 (CAR 2012) require that suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present before demolition or other work is carried out. CAR 2012 requires that a suitable written plan of work must be prepared before any work is carried out and the work must be carried out in accordance with that plan. If asbestos is not managed appropriately then the site may require a detailed site investigation and could become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.

**CSNN: NO OBJECTION:** In light of the plans stating that the existing site levels will remain the same and the addition of an acoustic fence, the proposal is considered acceptable.

**Tree Officer: NEUTRAL**

Comments were provided expressing concerns regarding potential overshadowing to the gardens as a result of the existing trees positioned to the west. The Tree Officer confirmed the option of a pair of semi detached dwellings would be preferred.

**Principal Planner Policy & Water Management Officer: NO OBJECTION:**

**Environment Agency: NO OBJECTION:** No comments to make.

**LLFA: NO OBJECTION:** No comments to make because the development is below the threshold for comment and there are no registered flood incidents in the vicinity of the site.

**REPRESENTATIONS EIGHT** letters of **OBJECTION** have been received from third party representatives. The issues raised can be summarised as:

- Overdevelopment
- The development impinges on the bank which is a noise and light attenuation measure and should be retained
- This is a full 2 storey dwelling which is worse than the previous proposal for a 1.5 storey dwelling
- The position of the new access is dangerous

Planning Committee  
3 July 2023

- A shadow diagram should be provided especially as this proposal is now taller than the previous one
- The description of development is incorrect
- The dwellings are not in keeping with the area
- The limited parking will result in on-street parking which is already an issue
- Construction noise, especially for those working shifts
- Construction traffic will have nowhere to park

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS03** - King's Lynn Area

**CS08** - Sustainable Development

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy H2** - Encouraging High Quality Design

**Policy H4** - Local Character

**Policy T2** - On-Street Parking

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
 Planning Practice Guidance (PPG)  
 National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The main considerations are:  
 Principle of Development  
 Form and Character

Planning Committee  
 3 July 2023



Impact on Neighbour Amenity  
Highway Safety and Parking  
Other Material Considerations

### **Principle of Development:**

South Wootton is characterised as a larger village within Policy CS02 of the Core Strategy 2011. South Wootton provides significant local facilities within close proximity to the main town of Kings Lynn.

CS03 of the Core Strategy also allows development within South Wootton in order to support the overall development strategy for Kings Lynn as a Growth Point and Key Centre for development and Change.

Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP) 2016 states 'Development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan.'

Policy DM15 of the SADMPP 2016 confirms that development must protect and enhance the amenity of the wider environment. Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

Policy CS08 of the Core Strategy states that all new development in the borough should be of high quality and sustainable design.

Policy H2 of the South Wootton Neighbourhood Plan (Encouraging High Quality Design) states Layouts for new development should be designed to the highest possible standard, taking account of the character of the village. Dependant on the size and scale of individual sites, planning applications will be expected to:

- Provide well-designed groups of houses, located in attractive, inclusive and secure spaces
- Respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation; and
- Maintain a 'human scale' in which individuals feel comfortable and secure

Policy H4 of the South Wootton Neighbourhood Plan states Proposed residential development densities will be required to demonstrate that they respond to their context and help to preserve the open and green character of the village.

Therefore, residential development in this area would be considered acceptable given its proximity to essential facilities and a main town (Kings Lynn). The development would appear in keeping with the neighbouring properties and would not have a detrimental impact on neighbouring amenity.

### **Form and Character**

Stody Drive is characterised by mainly two storey, semi-detached dwellings and bungalows constructed from red brick and of a modest scale. Whilst the proposed development is considered acceptable and would incorporate materials which would appear in keeping with the surrounding area, discussions were had with the agent confirming that a pair of semi-detached properties would be preferred. A pair of semi-detached properties were considered to sit better on the site and allow for larger gardens whilst also mirroring neighbouring properties. However, the agent did not agree this to change.

Planning Committee  
3 July 2023

In this case, planning permission is sought for the demolition of an existing detached bungalow and the erection of two, two-storey detached dwellings.

The dwellings would front the entrance to Stody Drive with a parking and turning area located to the front (south). Concerns were raised by the Parish Council regarding parking provision; however, parking would be provided in accordance with the Parking Standards for Norfolk 2020.

Whilst semidetached properties would be a preferred design choice, the proposed detached properties are considered to reflect the wider area without the site appearing cramped or contrived. The dwellings would be of a similar scale and design to the surrounding dwellings and would incorporate similar materials.

The Parish Council raised concerns regarding the size of the property's amenity space however, the gardens proposed are of a similar size to the neighbouring dwellings and are considered to be sufficient.

The dwellings would measure 8.4m in height, 9.2m in width and 8.7m in depth. The properties would be constructed from red facing brickwork with upvc windows and aluminium doors.

A 1.8m high close boarded timber fence would be erected to the west of the plot with vegetation to soften its appearance. The height of the existing earth bund to the west would remain however, a small triangular section at the base of the bank would be removed. This is to form a footpath, and the rest of the bank would remain intact. As the height of the bank would remain as existing, there would be no reduction in noise suppression. This change has been supported by the Community Safety and Neighbourhood Nuisance Team.

The vegetation on the other side of the bund (Langley Road) would be retained to provide a verdant appearance of the site however, three hedges would be removed as a result of the proposed development. These include one Portuguese Laurel (T1), Laurel Hedge (G1) and Laurel Hedge (G3) The hedges are confirmed to be within good condition with some minor deadwood present. This is not considered to have a detrimental impact on the appearance of the area.

For reasons outlined above, the site is considered capable of hosting two dwellings and the development would not appear out of keeping or overdeveloped. Therefore, the proposal is considered to comply with policy DM15 of the SADMPP, CS08 of the Core Strategy and policies H2 and H4 of the South Wootton Neighbourhood Plan.

### **Impact on Neighbour Amenity**

The application site is located on a corner plot allowing a sufficient separation distance of 9m to the north. A road separates the proposed dwellings from properties located to the east and south.

No windows are proposed on the northeast elevation of plot one and the rear elevation would only incorporate a window serving a bathroom at first floor (which would include obscure glazing, secured via condition). Therefore, the proposed property would not result in any overlooking.

Plot 2 would not incorporate any windows on the northeast or southwest elevations which would prevent overlooking to of plot 1. Two windows are proposed at first floor on the northwest elevation, with one serving a bathroom and one serving a bedroom. These

Planning Committee  
3 July 2023

windows would be positioned at a sufficient distance from the neighbouring property to the north and would only allow for a view of the neighbours (north) front garden and parking area.

Whilst some overshadowing may occur during the afternoon to the neighbour located to the north, this is not considered to have a detrimental impact given the separation distance, scale of the dwellings and the fact that the site is already currently occupied by a property although of single storey.

The amenity space provided for the two new properties would be sufficient given that the scale of the dwelling.

The existing earth bund positioned to the west of the site would be retained and a 1.8m acoustic fence is also proposed to the west of plot one. This would protect occupants from potential noise disturbance from the adjoining road.

Therefore, proposed development is not considered to have a detrimental impact on residential amenity and complies with policy DM15 of the SADMPP and policy CS08 of the Core Strategy.

### **Highway Safety and Parking**

The application site is accessed via Langley Road. The existing access would be repositioned towards the west of the site and the plots would provide 2no. parking space per dwelling.

The Highway Authority requested that the original drawings were amended to include a 6m distance between the parking spaces in order to allow for manoeuvring. As the access would be in close proximity to a highway junction, it is important that a sufficient turning area is provided. Following these comments, amended plans were provided which sufficiently addressed the Highway Authority's concerns.

Therefore, the proposed development is considered to provide a sufficient amount of parking and offers a safe access in accordance with policy DM15 of the SADMPP.

### **Other Material Considerations:**

#### **Contamination:**

According to aerial photography, the site was first developed in 1999 and was previously an undeveloped field. As there is a commercial premises and petrol station located to the west, although separated by a road, there may be asbestos materials present and therefore, an informative would be added relating to The Control of Asbestos Regulations 2012. There is no evidence of contamination on the site .

#### **Landscaping:**

A Tree Survey has been provided with the application and confirms that three hedges would be removed as a result of the proposed development. These include one Portuguese Laurel (T1), Laurel Hedge (G1) and Laurel Hedge (G3). The hedges are considered to be in fair to good condition and are labelled on the drawing as T1, G1 and G3.

The tree survey confirms that construction activities would take place outside all Root Protection Areas (RPA), other than a limited proportion of the RPA of T5(Oak) and T3(Silver

Birch) which is exposed due to a setback in alignment of the barrier. In areas where the RPA is exposed ground protection should be installed to prevent damage to the roots.

Other mitigation measures are listed within the read to sufficiently protect the trees from damage.

The Tree Officer raised some concerns regarding possible overshadowing of the amenity space for both plots due to the location of the trees. It was suggested that the plots be moved further to the east or the proposal to be amended to incorporate a pair of semi-detached dwellings.

This suggestion has been put to the agent however, they wish to remain with the current proposal of two detached dwellings.

In conclusion, the proposed works would not have a detrimental impact on existing trees on site however, it is noted that the proposed dwellings may suffer from some loss of light as a result of the proximity of the properties to the retained trees.

### **Response to Third Party Representations:**

Comments of objection were received throughout the process of determination and highlighted concerns relating to the design of the dwellings and their potential to overshadow neighbouring properties. This issue has been taken into consideration and whilst it is noted that the neighbouring property to north may experience some slight overshadowing, this would only be in the afternoon and given the scale of the properties, the loss of light is not considered to be detrimental to the amenity of the neighbour.

Comments also requested that the existing earth bund to the west of the site, be retained as this is a noise attenuation measure. Following discussions with the agent and receipt of amended plans, the existing bund would be retained, and this is evidenced on the revised drawings.

Whilst it was suggested that a pair of semi-detached properties would be more in keeping with the surrounding area and sit more comfortably on the plot, the current proposal and design for the dwellings would be acceptable on balance. The properties incorporate materials that would reflect the neighbouring dwellings and would include similar features such as front porches.

Representations also stated that the proposal's description of development is not correct. The description states '2no. proposed dwellings following demolition of existing dwelling' which is accurate.

Concerns were also raised regarding highway safety, site access and parking. The Highway Authority has assessed the application and confirmed no objections however, conditions would be attached regarding new access specifications, closure of other accesses, removal of pd rights for gates etc., visibility splays, parking provision to accord with the approved plans.

Comments also expressed concerns relating the noise generated by construction traffic. Whilst some short-term disturbance may arise as a result of the construction, this is not considered to be of a scale that would be detrimental to neighbour amenity. This is due to the minor scale of the development and the fact that the site is in close proximity to a retail unit and a petrol station which would already create some noise disturbance.

### **Response to Parish Council Comments:**

Concerns from the Parish Council have been addressed within the report above however, their objection also states that South Wootton consists of a largely elderly demographic seeking bungalows. South Wootton Parish Council have submitted a revision of the Neighbourhood Plan to reflect this, and it is currently with the Borough Council of Kings Lynn & West Norfolk for review. However, the amendments have not yet been agreed and therefore, we cannot attach any weight to this statement.

## CONCLUSION:

The proposed development would be of an acceptable scale, design and form that incorporates appropriate materials. The dwellings would appear in keeping with the neighbouring properties and would respect the character and appearance of the area.

The site is served by a safe access and provides a sufficient amount of parking for both dwellings.

The earth bund located to the west of the site would be retained as requested and a new acoustic fence would be installed which would overcome noise disturbance issues.

The proposal provides a sufficient amount of amenity space without appearing cramped or contrived. Given the scale and positioning of the dwellings, the proposal would not be considered to have a detrimental impact on residential amenity.

Overall, the proposal complies with policies DM1, DM2, DM15 and DM17 of the SADMPP and policies CS01, CS02, CS08 and CS12 of the Core Strategy and policies H2 and H4 of the South Wootton Neighbourhood Plan.

## RECOMMENDATION:

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

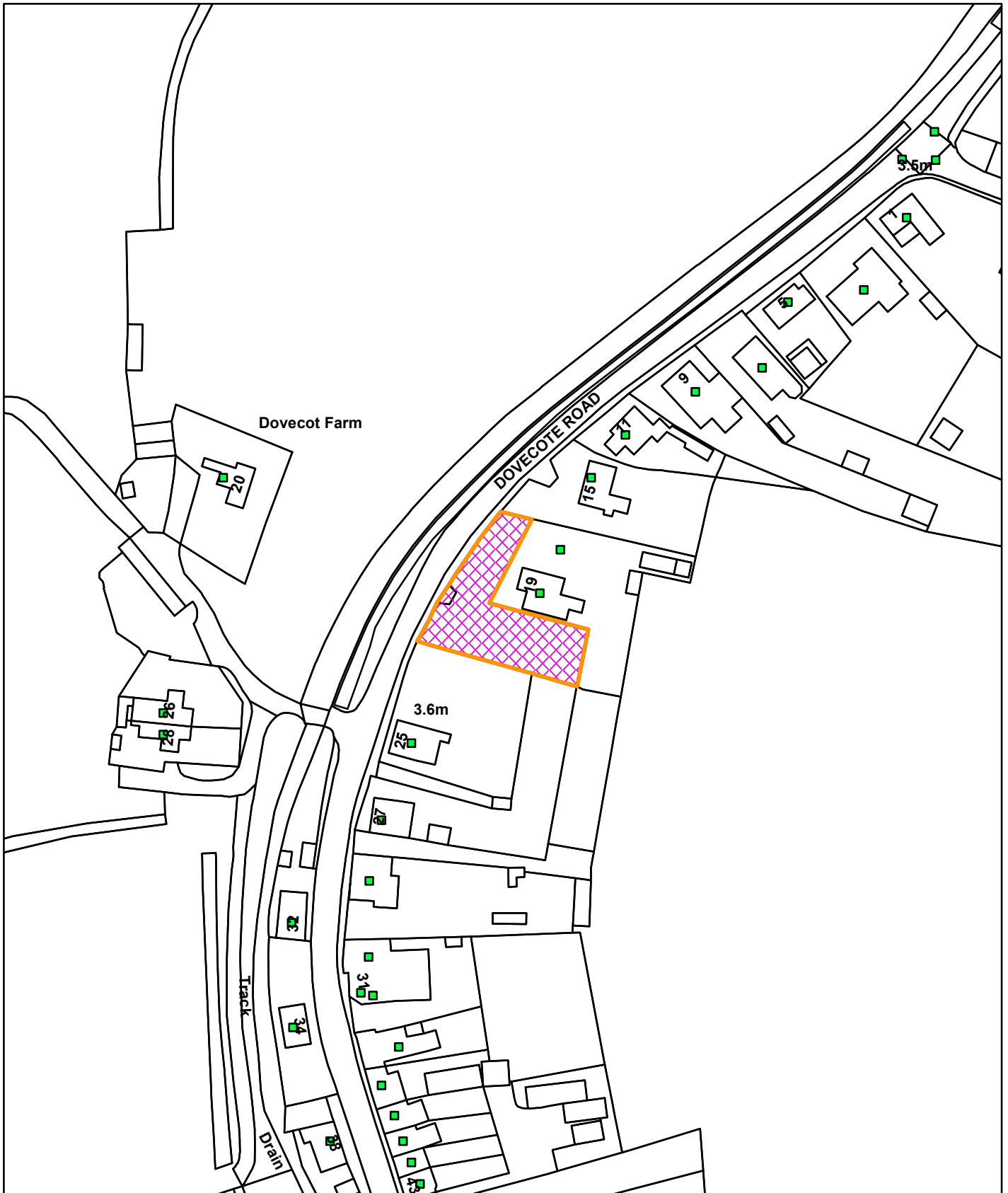
- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans (xxx insert plan numbers].  
  
21127-01 EXISTING PLANS & ELEVATIONS Received 04.10.2021  
21127 02 L PROPOSED PLANS & ELEVATIONS, SECTION & SITE Received  
07.03.2023  
21127 03 L PROPOSED PLANS & ELEVATIONS, SECTION & SITE Received  
07.03.2023
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 3 Reason: In the interests of highway safety.
- 4 Condition: Prior to the first occupation/use of the development hereby permitted 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's Stody Drive roadside frontage. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Planning Committee  
3 July 2023

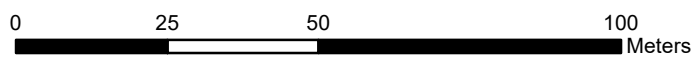
- 4 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 5 Condition: Prior to the first occupation of the development hereby permitted the proposed access/on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 6 Condition: Prior to the first occupation of the development hereby permitted the vehicular/pedestrian/cyclist access/crossing over the footway shall be constructed in accordance with the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 6 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 7 Condition: Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the access(s) shown on Drawing No. 02 Rev I only. Any other access or egress shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.
- 7 Reason: In the interests of highway safety.
- 8 Condition: The development hereby permitted shall be implemented in accordance with the mitigation and protection measures specified within the Tree Report received 22.05.2023 written by Tree Works and Surveys Ltd.
- 8 Reason: To ensure that existing trees are properly protected in accordance with the NPPF.
- 9 Condition: Before the first occupation of the building/extension hereby permitted the window at first floor on the north west elevation on both plot 1 and plot 2 serving the bathrooms shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 9 Reason: To protect the residential amenities of the occupiers of nearby property.

# 23/00551/RM

Plot To South of Number 19 Dovecote Road Upwell Wisbech PE14 9HB



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Ordnance Survey 100024314



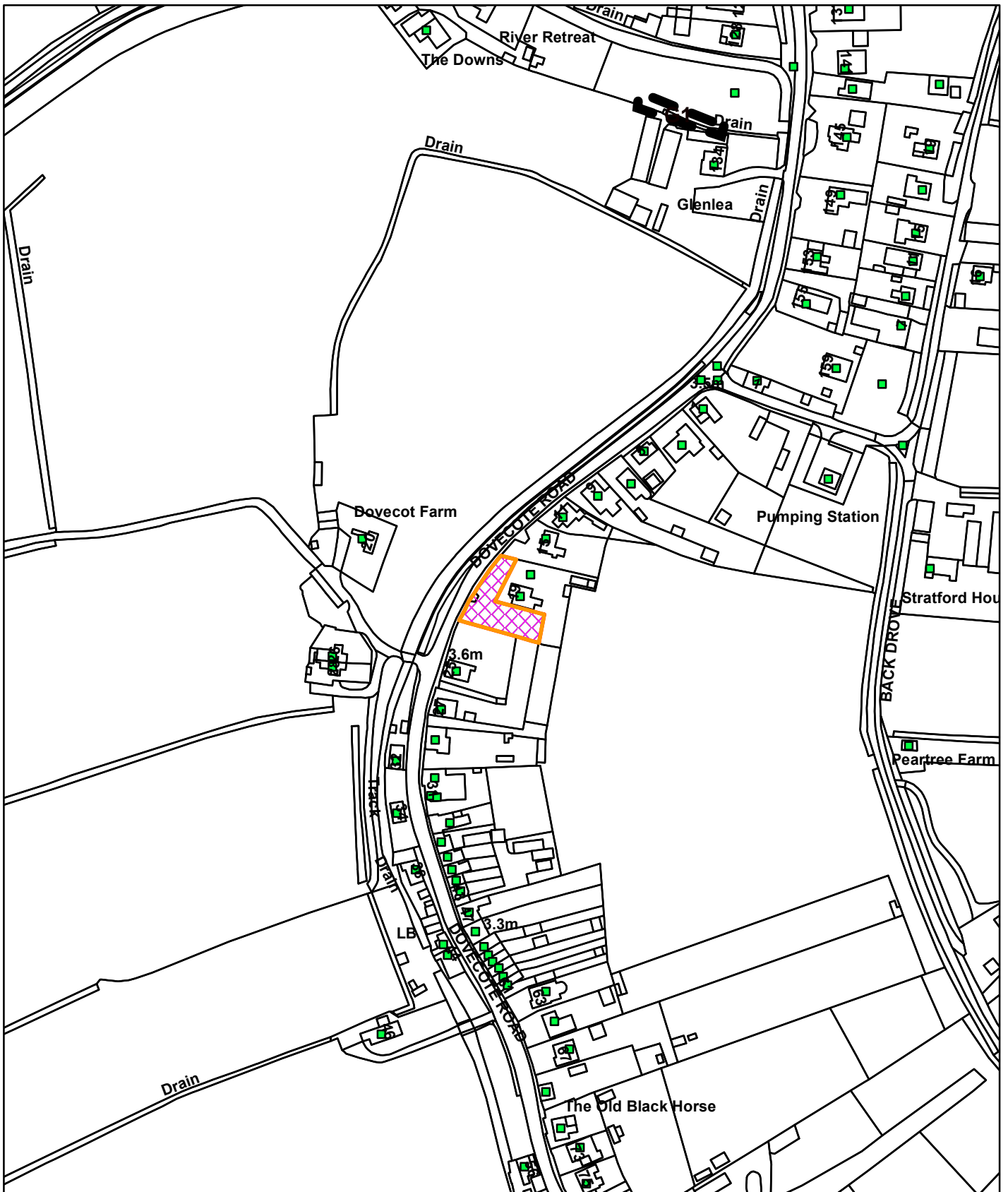
21/06/2023

135



23/00551/RM

Plot To South of Number 19 Dovecote Road Upwell Wisbech PE14 9HB



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21/06/2023

136





<b>Parish:</b>	<b>Upwell</b>	
<b>Proposal:</b>	<b>Reserved Matters Application for one dwelling</b>	
<b>Location:</b>	<b>Plot To South of Number 19 Dovecote Road Upwell WISBECH PE14 9HB</b>	
<b>Applicant:</b>	<b>Mr Stanford And Ms Satt</b>	
<b>Case No:</b>	<b>23/00551/RM (Reserved Matters Application)</b>	
<b>Case Officer:</b>	<b>Bradley Downes</b>	<b>Date for Determination: 7 July 2023</b>

**Reason for Referral to Planning Committee** – Parish Council response contrary to officer recommendation and sifting panel referred to Planning Committee

**Neighbourhood Plan:** No

**Case Summary**

The application is to secure details of the matters reserved at outline stage including appearance, landscaping, layout and scale in accordance conditions 1, 2 and 3 of outline permission 22/01592/F, for the erection of one detached dwelling. The sites lies in Upwell, on the east side of Dovecote Road near the south of the village.

**Key Issues**

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Any other matters requiring consideration prior to determination of the application

**Recommendation**

**APPROVE**

**THE APPLICATION**

The application is to secure details of the matters reserved at outline stage including appearance, landscaping, layout and scale in accordance conditions 1, 2 and 3 of outline permission 22/01592/F, for the erection of one detached dwelling. This site lies in the development boundary for Upwell. The site shares its access with another recently approved dwelling under 21/01976/RM.

## **PLANNING HISTORY**

21/00210/O: Application Permitted: Delegated Decision: 25/05/21 - Residential development - one dwelling - Keema, 19 Dovecote Road, Upwell

22/01592/F: Application Permitted: Delegated Decision: 23/11/22 - VARIATION OF CONDITION 10 OF PLANNING PERMISSION 21/00210/O: Residential Development - one dwelling - Keema, 19 Dovecote Road, Upwell

*Plot north of No. 19*

21/00209/O: Application Permitted: Delegated Decision: 25/05/21 - OUTLINE SOME MATTERS RESERVED: Residential development - one dwelling - Keema, 19 Dovecote Road, Upwell

21/01282/F: Application Permitted: Delegated Decision: 06/08/21 - VARIATION OF CONDITION 10 of Planning Permission 21/00209/O: To amend wording of condition, to allow the construction of a chalet bungalow with rooms in the roof space. - Plot To North of 19 Dovecote Road, Upwell

21/01976/RM: Application Permitted: Delegated Decision: 27/01/22 - RESERVED MATTERS: Construction of a dwelling including a new access - Plot North of 19 Dovecote Road, Upwell

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECT**

The brick should be in keeping with No. 19 and be uniform in brown/dark red, not mixed/antique colours. The gable ends of the roof should be traditional and not half-hip. The roof should be slate or pin tiles, not red pantiles as this is not in keeping with the street scene. Concerned that proposed dwelling will overshadow No. 19.

### **Highways Authority: NO OBJECTION**

Recommend condition to ensure the permanent availability of parking and turning areas.

**REPRESENTATIONS** None received

## **LDF CORE STRATEGY POLICIES**

**CS11** - Transport

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM17** - Parking Provision in New Development

**DM2** – Development Boundaries

Planning Committee  
3 July 2023

## NEIGHBOURHOOD PLAN POLICIES

Housing Policy H3: Design

## NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2021

## PLANNING CONSIDERATIONS

### The main considerations are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Any other matters requiring consideration prior to determination of the application

### Principle of Development:

The site lies within the development boundary for Upwell. In addition, the principle of the proposed dwelling is already established as acceptable by virtue of the outline application approved under 21/00210/O and amended by 22/01592/F. The outline permission was subject to condition that the dwelling be single-storey only. This was later amended by variation of condition to allow single-storey with roof accommodation. The order of applications and design of the dwelling are substantially similar to that followed with the plot to the north of No. 19 which has been built out.

### Form and Character:

The proposed dwelling will be 1.5 storey in height and have an attached garage at the front. Proposed materials include a red multi brick, red pantile and cream UPVC windows. The street scene is comprised of predominantly bungalows in the immediate vicinity with two-storey dwellings further north and south along Dovecote Road.

The overall ridge height will come to approximately 6.88m with eaves approximately 2.66m. This is slightly smaller than the plot constructed to the north of No. 19 which is approximately 7.04m to the ridge with eaves of 2.66m. The slightly reduced ridge height is because the width of the proposed dwelling is approximately 9.89m wide, compared to the 10.35m wide dwelling north of No. 19. There will be an approximately 2.6m gap to the neighbouring dwelling to the north and a 19.75m gap to the neighbouring dwelling to the south. The plot north of No. 19 has gaps to neighbouring dwellings to the north and south of approximately 3.5m and 4.5m respectively. While the gap to the north of the proposed dwelling is relatively small, it is not considered to result in an appearance of being overly cramped due to the staggered nature of the dwellings along the curve and the large gap retained to the south of the dwelling. The site is also set lower than the neighbouring dwelling, so the proposed dwelling will not appear overly prominent.

The Parish Council has raised objection with the design of the dwelling, particularly in regard to the proposed materials and the half-hipped roof. While the proposed materials are not consistent with the other bungalows in the row (being predominantly red brick and concrete pantile roof), the wider vernacular does contain multi-red brick and red pantiles and it is considered their use here would not have any significant adverse impact on the character and appearance of the street scene.

The roof would be half-hipped to be consistent with the design of the plot to the north of No. 19. It was considered a full gable-end facing the street would not be in keeping with the character of the area, as every other dwelling in the street scene has a roof slope that faces the street. As such, it is considered the half hip in this case is in keeping with the character of the street scene. The proposed garage would not have any significant impact on the street scene due to its small scale and hipped roof integrates it into the appearance of the dwelling.

The submitted plan indicates a close boarded fencing to the north and south boundaries and low rise wall along the front boundary. The wall and fence along the north boundary are existing. The fence along the south boundary is proposed.

The Upwell Neighbourhood Plan Policy H3. requires that new development is required to reinforce and complement local distinctiveness and character as captured in Appendix A of the Neighbourhood Plan. Appendix A states that housing is quite mixed and eclectic in style and design, which is part of the character. It also sets out that building styles include brick and render to elevations and slate or pantiles to roofs. Notwithstanding the Parish Council's comments, it is considered the proposed development would be in accordance with this part of Policy H3. Lastly, Policy H3 requires that new dwellings should ensure the footprint provides for sufficient amenity space. It is considered the proposed rear garden is sufficient for the dwelling and would be in keeping with the plot sizes of neighbouring properties.

Overall, it is considered the development would not have any significant adverse impact on the character and appearance of the street scene in accordance with Policies DM15 of the SADMPP 2016, CS06 and CS08 of the Core Strategy 2011 and Policy H3 from the Upwell Neighbourhood Plan.

#### **Impact on Neighbour Amenity:**

The proposed dwelling would be situated far enough from the neighbour to the south at approximately 19.75m to avoid any significant impacts on their residential amenity.

The neighbouring dwelling to the north at No. 19 would lie approximately 2.6m away from the north elevation of the proposed dwelling. The proposed dwelling would be situated further forward in its plot than No. 19 which would avoid any significant detrimental overshadowing impact on the south elevation or rear garden of No. 19. As the site is lower than the neighbouring dwelling, the submitted plan indicates that the eaves of the proposed dwelling would be approximately 0.4m lower than the eaves of the neighbouring dwelling. For these reasons, it is considered the proposed dwelling would not have any significant overshadowing or overbearing impact on No. 19.

Views from proposed windows on the ground floor should be sufficiently screened by the 1.8m boundary fence to avoid any significant overlooking impacts at ground floor level. Proposed first floor windows on the front and rear elevation will look towards the street and rear garden of the dwelling respectively, without any significant overlooking impact. Overall, it is considered the proposed dwelling would not have any significant adverse impact on residential amenity in accordance with Policy DM15 of the SADMPP 2016 and Policy CS08 of the Core Strategy 2011.

Planning Committee  
3 July 2023

## Highway Safety:

The proposed dwelling would use the shared access approved under 21/00210/O (shared with No. 19 and the dwelling approved under 21/00209/O which is the plot to the north of No. 19). Parking and turning is shown on the submitted plan and the Local Highway Authority do not object to the application on the basis that parking and turning accords with adopted standards and the decision is conditioned to ensure the permanent availability of parking and turning area. It is considered the proposed development would not have any significant impact on highway safety, in accordance with Policy CS11 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

## Any other matters requiring consideration prior to determination of the application:

Surface and foul water drainage details are shown on the submitted site plan. These details were secured via pre-commencement condition at Outline stage. A discharge of condition application shall be required to lawfully commence development and ensure these details are acceptable.

Proposed landscaping includes a 1.8m fence to the south boundary of the site, laying of the parking and turning area, a patio to the rear and a lawn at the rear. Due to the gap to the neighbour to the south and the presence of vegetation in between it is considered there would not be any significant adverse impact on residential amenity for the neighbour to the south if the fence wasn't erected. The parking and turning area shall be conditioned in line with the Local Highway Authority recommendation. Regarding the fence, patio and lawn, it is not considered sufficiently necessary to require a separate condition to enforce these works.

## CONCLUSION:

The proposed dwelling is considered to be acceptable in its design and appearance and would not have any significant adverse impact on residential amenity in accordance with Policies DM15 of the SADMPP 2017, and CS06 and CS08 of the Core Strategy 2011. The proposed parking and turning layout would accord with adopted standards and would not result in any significant impact on highway safety in accordance with Policies DM17 of the SADMPP 2016 and CS11 of the Core Strategy. As such, it is recommended that planning permission is granted for the approval of reserved matters of the proposed dwelling subject to the following conditions.

## RECOMMENDATION:

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

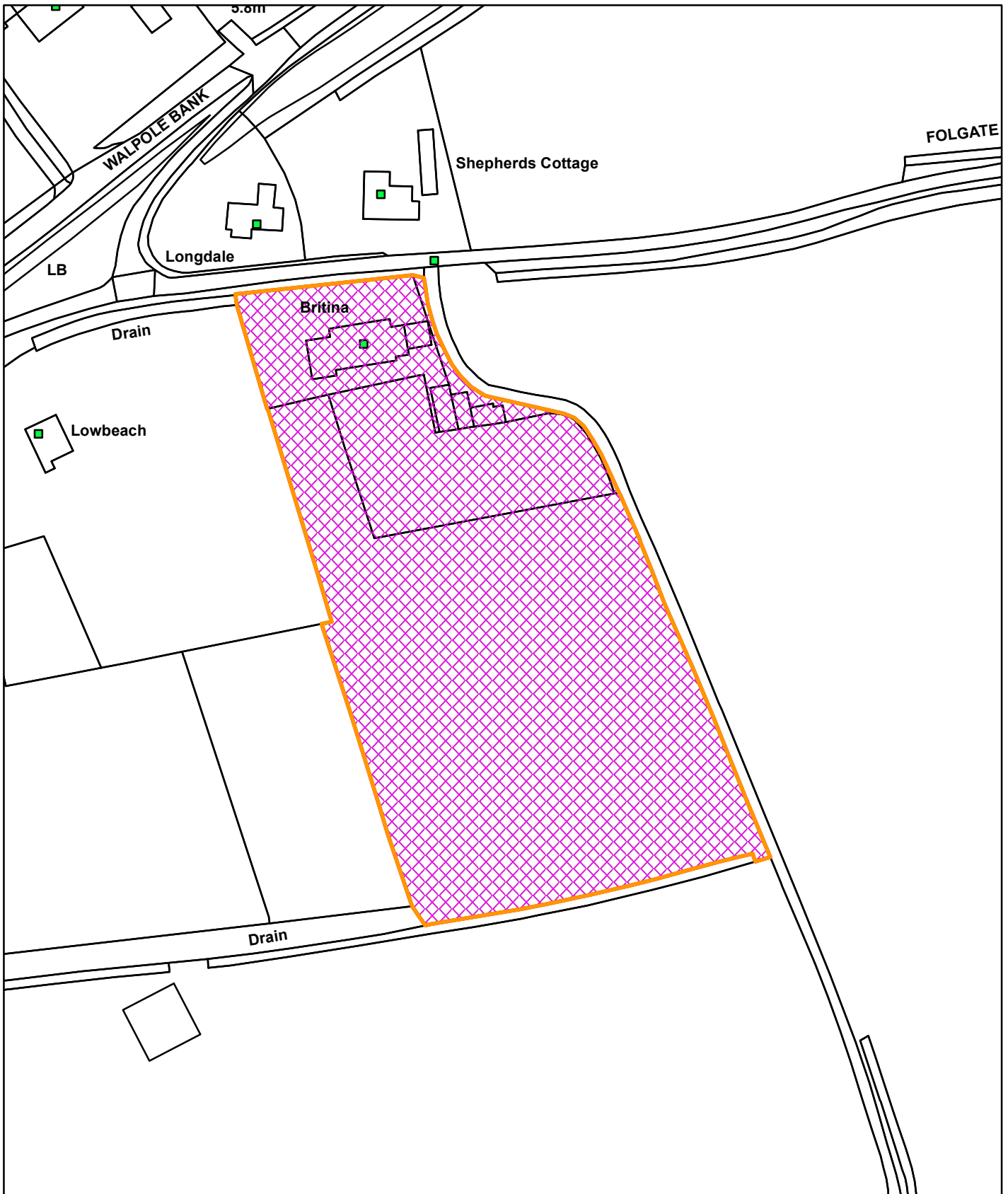
- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans. Dwg nos. 1 (Location Plan), 3 (Proposed Site Plan), 4 (Proposed Floor Plans), and 5 (Proposed Elevations and Site Section).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Planning Committee  
3 July 2023

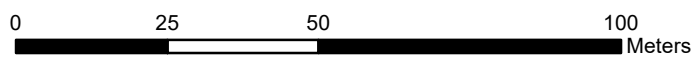
- 2 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

22/00832/F

Britina Folgate Lane Walpole St Andrew Wisbech PE14 7JA



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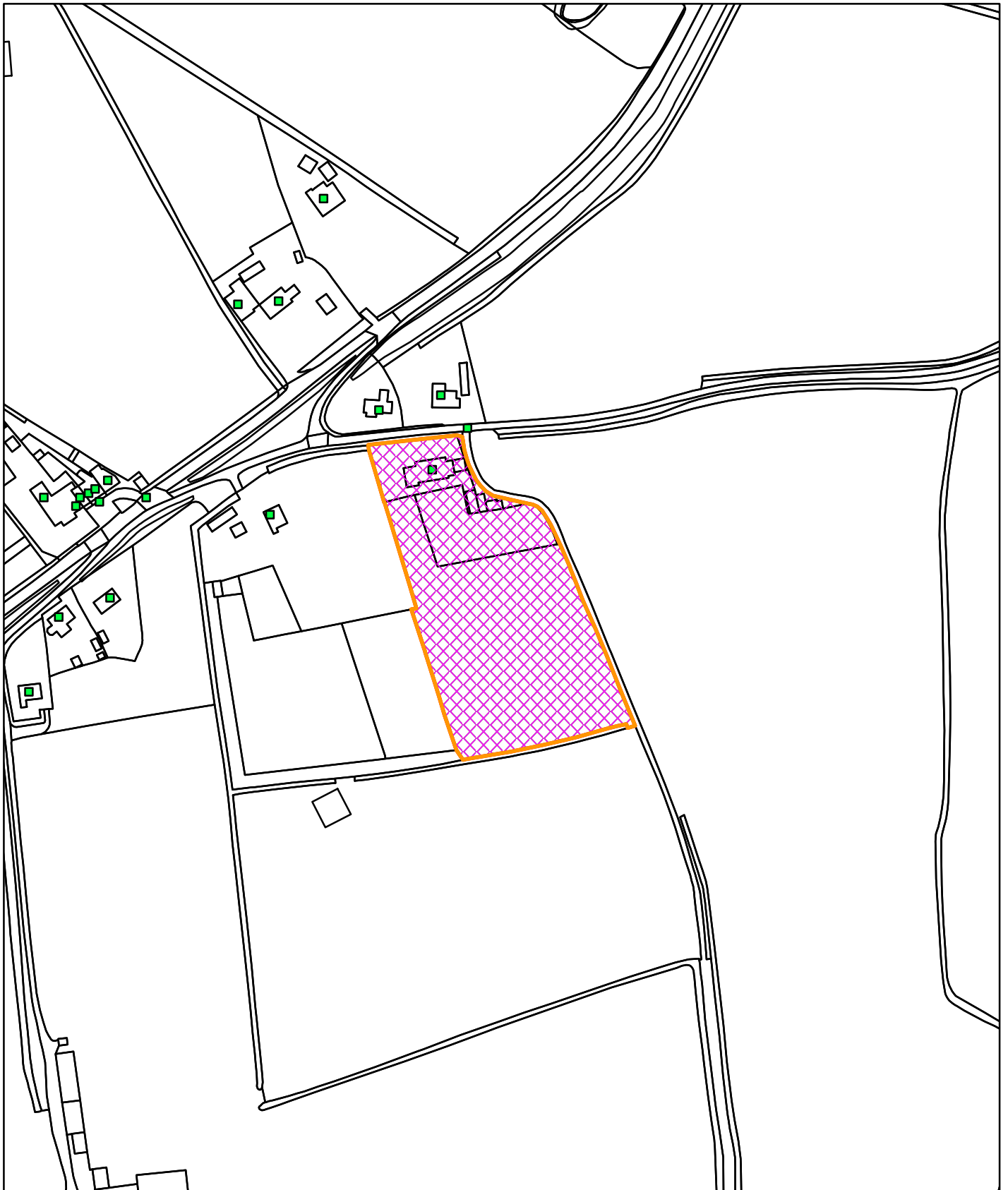
22/06/2023

143



22/00832/F

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22/06/2023

144





<b>Parish:</b>	<b>Walpole</b>	
<b>Proposal:</b>	<b>Change of use of land for the keeping of working dogs and proposed private kennels for working dogs</b>	
<b>Location:</b>	<b>Britina Folgate Lane Walpole St Andrew Wisbech PE14 7JA</b>	
<b>Applicant:</b>	<b>Ms Claire Granger</b>	
<b>Case No:</b>	<b>22/00832/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Clare Harpham</b>	<b>Date for Determination: 13 July 2022 Extension of Time Expiry Date: 10 July 2023</b>

**Reason for Referral to Planning Committee** – The officer recommendation is contrary to the Parish Council who object to the proposal.

**Neighbourhood Plan:** No

### Case Summary

The application site is located outside the development boundary of Walpole St Andrew and within the countryside as defined by the Site Allocations and Development Management Policies Plan 2016.

The site is located at the western end of Folgate Lane, within a small group of dwellings located in close proximity to its junction with Walpole Bank and Mill Road. On site is an existing single storey dwelling and stable building.

The proposal seeks the change of use of some agricultural land for the keeping of working dogs and the erection of proposed private kennels for the working dogs.

### Key Issues

- Principle of development
- Impact upon the Countryside
- Amenity Issues
- Highways Issues
- Flood Risk
- Any other matters requiring consideration prior to determination of the application
- Crime and Disorder Act

### Recommendation

**APPROVE**

## **THE APPLICATION**

The application site comprises a bungalow (agriculturally tied) and its associated garden, along with agricultural land in the ownership of the applicant to the rear of the dwelling and garden. On site currently stands a single storey dwelling with attached garage. On the eastern side, to the rear of the garage is a stable building. The site is bounded to the side (east and west) boundaries by a mix of close board fencing and hedging (conifers), to the rear, at the time of the site visit, the site fairly was open, to the agricultural fields, with a few sporadic trees along the boundary.

The site is sat within a small group of dwellings located at the western end of Folgate Lane, close to its junction with Walpole Bank and Mill Road.

The application is for full planning permission for the change of use of the land for the keeping of working dogs and the erection of private kennels for the working dogs.

## **SUPPORTING CASE**

Supporting case to follow.

## **PLANNING HISTORY**

21/00990/LDE: Not Lawful: 07/10/21 - Application for a Lawful Development Certificate for the existing use of property in breach of occupancy condition in excess of 10 years – Britina Folgate Lane Walpole St Andrew

2/95/0140/F: Application Permitted: 08/03/95 - Construction of pitched roof to existing flat roofed extension – Britina Folgate Lane Walpole St Peter

2/85/0561: Application Permitted: 1/4/85 – Erection of snooker room, utility room, toilet and shower extension.

2/77/0385: Application Permitted: 7/4/77 – Erection of stable to house two horses for applicant's own private use

M2473: Application Permitted: 19/10/64 – Erection of Bungalow (restricted occupancy)

## **CONSULTATIONS**

### **Town/Parish Council: OBJECT**

There is an agricultural tie on the property which does not cover dog kennels and the additional noise generated. The early morning exercising of dogs could also cause noise issues.

### **Local Highway Authority (NCC): NO OBJECTION**

I observe that the kennels are to be for private use and on such a basis I believe it would be difficult to substantiate an objection.

## **Environment Agency: NO OBJECTION**

It is recommended the mitigation measures within the submitted FRA are conditioned.

## **Internal Drainage Board: Comments**

The IDB notes that the applicant has indicated that they intend to dispose of water via infiltration. If it is determined that this is not feasible and surface water is discharged via a watercourse, consent will be required in line with Byelaw 3. The IDB also notes that a riparian watercourse is adjacent to the site boundary which it is not proposed to alter, any alteration would require consent under the Land Drainage Act 1991 and Byelaw 4.

The consenting process is separate from planning but the ability to implement a permission may be dependent upon the granting of Board consent.

## **Emergency Planning: Comments**

Due to the location in an area at risk of flooding it's advised that the occupants' sign up to the EA FWD service and prepare a flood evacuation plan.

## **Environmental Health & Housing - CSNN: NO OBJECTION**

Following submission of further information and the movement of the proposed building further away from the western boundary; amendments to the proposed building; foul and surface water drainage details; a site Management Plan and Waste disposal information, the CSNN officer withdrew her holding objection and final comments are as follows:

Twelve kennels are a significant number and a 5:30am start is a very early hour to be letting dogs out in a rural location, where background noise levels would be otherwise low. There is still a concern that there could be noise impacts, particularly given the number of dogs.

While noise can be addressed under Statutory Nuisance legislation it is necessary to secure relevant control measures at this planning stage, to avoid taking action on the applicant in future. The Management Plan shows how the applicant intends to operate and control / limit dog noise, and if adhered to robustly, whilst there may still be some noise issues, the occurrence of a Statutory Nuisance is unlikely.

The orientation of the kennel block, and the relationship of the main dwelling with the dog exercise areas, will create physical barriers to help attenuate noise, however, I would welcome this being taken to the Planning Committee or otherwise further considered, as there are large open areas of land which will be used by dogs year round, and I consider there could be noise impacts on neighbours which could affect residential amenity below the statutory nuisance threshold.

It is requested that conditions are included that include the following; adherence to the submitted Management Plan; an external lighting condition; foul and surface water be carried out as per the plan; the maximum number of dogs on site; and waste storage and collection as per the details shown on the Site Plan and Management Plan. The Environmental Protection Act informative is also requested.

## **National Grid: NO OBJECTION**

Site is within a High-Risk zone from National Grid Gas Transmission apparatus. A Map is enclosed to show the location of high-pressure gas pipeline(s) within the vicinity of the proposal and additional information provided.

**Cadent Gas plant protection: NO OBJECTION**, informative requested on any decision notice.

**UK Power Networks:** Plan provided relating to UK Power Networks cables and overhead lines. Advice given to applicant.

## **REPRESENTATIONS**

**FIVE** letters of **OBJECTION** from two neighbours which cover the following:-

- Excessive noise in a quiet rural hamlet (Studies quoted that refer to impact on health due to noise and disturbance which can impact sleep which may have a knock-on impact on health risks such as stroke and heart attack).
- Application states working dogs which implies owners running a business.
- Proximity to neighbouring dwellings/bedrooms and gardens.
- A new access has been created which is not on the plans, and which will allow access to the kennels.
- Could have issues with cleanliness and odour.
- Possible increased vehicle movements.
- The number of dogs is 'significant' as noted by the CSNN officer who expresses concern over high number of dogs in a domestic setting and noise escape.
- Management Plan says dogs will be exercised several times per day in groups starting at 0500hours (amended to 0530hrs). This will cause noise whether from barking dogs or shouting handlers, they may bark even when supervised. Being woken so early defeats purpose of purchasing a property in secluded location.
- Dogs have propensity to bark, with or without supervision, particularly when in large numbers (research articles written on subject).
- The property has an agricultural tie, the applicant states that it only forms a part of their income and is not their main income and that they work for Spenser Farms on the shoot days. This shows that she earns income from the dogs which she said in her letter of 6th July are a hobby.

**TWO** letters of **support** from one neighbour which cover the following:-

- I live next door and have no objections.
- The dogs are currently kennelled up the road and I have never heard them.
- Support good quality housing for the dogs.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **DM17 - Parking Provision in New Development**

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2021

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

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

### **PLANNING CONSIDERATIONS**

#### **The main considerations are:**

- Principle of development
- Impact upon the Countryside
- Amenity Issues
- Highways Issues
- Flood Risk
- Any other matters requiring consideration prior to determination of the application
- Crime and Disorder Act

#### **Principle of Development:**

The application site is within the countryside as defined by the Site Allocations and Development Management Policies Plan (SADMPP) 2016 and as such should comply with countryside protection policies.

The application site incorporates the dwelling known as Britina and its curtilage, however the site extends further to the rear of the curtilage out into the open countryside. During the course of the application amended plans were received which moved the proposed private kennel block immediately to the rear of the existing bungalow and proposed a change of use of the agricultural land to the rear for the exercising of the dogs.

Policy DM2 of the SADMPP and Policy CS06 of the Core Strategy define what is acceptable development within the countryside and is limited to that identified as suitable in rural areas. Kennels for private working dogs, whilst acceptable in principle within the curtilage of a dwelling are not acceptable within the open countryside. The relocation of the proposed dog kennels, immediately to the rear of the dwelling is therefore acceptable in principle and the use of the land to exercise the dogs is not considered to conflict with countryside protection policies and would be similar to the keeping of horses with regard to the impact on the agricultural land. The proposal is considered to comply with the principles of the NPPF, in particular para 174 which recognises the intrinsic character of the countryside; Policy CS06 of the Core Strategy 2011 which reiterates this, and Policy DM2 of the SADMPP 2016 which identifies suitable development within the countryside.

#### **Impact upon the Countryside:**

The proposed kennels would be situated within a single storey outbuilding which would measure 22.9m in length and 5.1m in width, with a height of 4.3m. The proposed building would be constructed of Hardie Plank fibre cement boards which emulate wooden cladding,

over blockwork walls (for noise attenuation) and a decra roof which also emulates a roof tile finish. The design incorporates an outside area for the dogs in front of each kennel, and this is covered by the roof, which will aid with noise attenuation. Within the kennels would be 12 kennels and one feed store/ washroom and the agent has confirmed that the applicant has 12 working dogs which are used on shoots. The applicant also has two additional dogs which are pets and would live in the dwelling.

Overall, whilst the building is long, it would be sited in close proximity to the rear of the existing dwelling and would be screened to the east by the existing stable building and to the west by existing hedging. It is also proposed to plant an additional hedgerow to the outer perimeter of the site (shown as area C on plan HAL22-CG-100 RevH), which over time would also help screen the building from the wider countryside.

Given its relatively low height and location in proximity to other buildings (dwelling and stables) the proposed kennels are not considered to have a detrimental visual impact upon the character and appearance of the surrounding countryside.

The proposed change of use to land for the keeping of working dogs would not have any material visual impact upon the surrounding countryside as there are no structures other than the erection of a 1.5m post and rail fencing with sheep wire incorporated, which would not be out of character in a rural location, and the planting of a native hedgerow to the perimeter.

Overall, the erection of the proposed kennels and the change of use of the land would not have a detrimental visual impact upon the surrounding countryside and would comply with para 174 of the NPPF, Policy CS06 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016 with regard to visual impact.

#### **Amenity Issues:**

The location of the proposed kennels to the rear of the existing bungalow would not have any material impact upon the neighbouring dwellings with regard to overshadowing, overlooking or being overbearing.

The dwelling to the west of the application site (Lowbeach) is located approximately 60m west of the proposed kennels and therefore the orientation and distance would mean there was no material impact with regard to the above. The proposed kennels would be to the rear of the existing bungalow and therefore the structure would have no material impact with regard to the above on the dwellings on the opposite side of the road (north).

The main impact with regard to the proposal is the potential for noise and disturbance resulting from the keeping of dogs at the site, especially given the number (12 working dogs and 2 additional dogs) and the potential odour associated with any waste at the site.

During the course of the application, the design of the proposed kennels building was altered to improve the potential noise attenuation of the building; with blockwork walls (clad to improve visual impact) and a roof which has additional insulation and boarding. There are no openings on the western side of the building (which faces the neighbour at Lowbeach) and the openings and outside space (dog runs) face towards the east where there are no immediate neighbours. The northern side of the building is open to the dog runs to enable surveillance of the kennels from the dwelling, however the fact that the dwelling is sited between the kennels and the dwellings to the north, helps to attenuate any potential noise from the kennels.

In addition to the design of the building, the Management Plan states that 'dogs will not be left to bark and will be interacted with and monitored using a ring camera system. This is a two-way system that enables managers to speak to the dogs remotely via a wireless system which also operates from mobile phones.' The Management Plan also states that the applicant and her partner work on different days of the week to allow for the dogs to be supervised by an on-site presence and so generally the dogs will always be supervised. The plan does also state that should there be occasions when both the applicant and her partner are away from the site at the same time, the dogs will be supervised by experienced family or friends who are familiar with the dogs and their management.

With regard to the exercising of the dogs, the Management Plan states that the land would be separated into three exercise areas; with exercise area A being immediately adjacent to the kennels and dwelling; exercise area B would be just beyond area A, with exercise area C being the furthest from the dwelling at the rear of the site.

The Management Plan states that between 5:30am and 7:30am dogs will be let out into Area A in groups of 3 or 4 for approximately 10mins to go to the toilet (if in season bitches will be let out individually). Following this the groups are taken to Area B or Area C subject to use times given and supervised while they exercise. All dog waste will be cleared up straight away. Once all dogs are exercised each group will be let out of their kennels into Area A while the kennels are cleaned.

The use times for exercise areas B and C are as follows (Area A being immediately adjacent to the kennels and used year-round including in the dark), Area B is used year-round, including in the dark during winter months. Area C will only be used during daylight hours.

The process of exercising will be repeated at 12-1pm, 3-4pm, 6-7pm and in the summer months when light permits, at 9pm before bedding down in kennels.

Within the Management Plan the disposal of waste is also dealt with relating to both the disposal of solid dog waste, dog bedding and also foul drainage. There is a neighbour objection relating to this, however the details provided are considered acceptable by CSNN and will be conditioned.

The keeping of dogs would always have the potential to cause noise and disturbance, especially in a rural area where background noise is minimal. On the other hand, it would not necessarily be advisable to have a large number of dogs in a more built-up area where there are more neighbours. The management of the site is therefore integral to keeping noise to a minimum, as well as the physical structure of the kennels providing noise attenuation. The submitted Management Plan sets out the management of the dogs clearly, and the case is put by the applicants that as the dogs are working dogs that are used on shoots, they are well trained, and noise is kept to a minimum. There are no objections from the CSNN officer, although management of the site is considered integral to the proposal.

The application is finely balanced, given the nature of the application and the proximity of the neighbouring dwellings. There are objections to the proposal from the Parish Council and neighbours, predominantly based upon the potential for noise, especially early in the morning, although there is also a letter of support from the immediate neighbour to the west. Members are requested to consider whether on balance, the proposal is acceptable with regard to noise, disturbance and odour. The number of dogs would be conditioned along with the site Management Plan and consequently it is your officer's opinion that with conditions in place, the application would comply with the principles of the NPPF, Policy CS08 of the Core Strategy and Policy DM15 of the SADMPP 2016.

### **Highways Issues:**

The proposed use is for the keeping of the applicant's own dogs and would not result in additional vehicular movements by third parties, other than the provision of some additional supplies for the dogs. There are no objections to the proposal from the Local Highway Authority.

The proposal complies with paragraph 110 of the NPPF, Policy CS11 of the Core Strategy 2011 and Policy DM15 of the SADMP 2016.

### **Flood Risk:**

The application site is located within Flood Zone 3 and climate change where the edges of the site by the watercourses are surface water 1% AEP with climate change. There are no objections from the Environment Agency who recommend that the Emergency Planning is consulted. There are no objections from the Emergency Planning Officer who recommend the applicant sign up to the Environment Agency Flood Warnings Direct service. The proposal passes the Sequential Test as given the nature of the application which is required to be in proximity to the existing dwelling could not be re-sited to another location at a lower risk of flooding. The type of development proposed would be classed as Less Vulnerable within Annex 3: Flood Risk vulnerability classification and is therefore considered an acceptable form of development where the exception test is not required.

Therefore, the proposal is considered to comply with para 159 of the NPPF and Policy CS08 of the Core Strategy 2011.

### **Other matters requiring consideration prior to the determination of this application:**

Drainage – Surface water is proposed to be to soakaway and foul water to a new package treatment plant, both of which are acceptable and will be conditioned. The IDB has noted that should any water be discharged to a watercourse this will require consent under Byelaw 3 and an informative can be placed on the decision.

Agricultural Occupancy Restriction – The existing dwelling has an agricultural occupancy restriction and the Parish Council have objected on the basis that the keeping of dogs does not meet the definition of agriculture. The applicant has provided a letter from her employer and from which she earns her main income and is considered to meet the definition (she works as a greenhouse supervisor and seed propagation specialist at a Nursery in Leverington). The fact that she earns her main income in agriculture does not exclude her from being able to keep dogs from which she may earn a subsidiary income from shoots.

The application site is within a high-risk zone with regard to National Grid Gas transmission. An informative relating to this and other advice given by Cadent Gas and UK Power Networks will be placed on any decision.

### **Crime and Disorder Act:**

The application does not give rise to issues with regard to crime and disorder.

### **CONCLUSION:**

The proposed kennel building would not have a detrimental impact upon the character and appearance of the surrounding countryside, nor would the erection of the post and rail fencing which would separate the dog exercise areas.



The keeping of dogs does have the potential to cause amenity issues if not managed correctly. The location and orientation of openings within the proposed kennel building, along with its construction, would help mitigate against noise and disturbance. In addition, the submitted Management Plan demonstrates that the kennels could be managed so as not to cause a detrimental impact upon neighbour amenity, however it is a finely balanced application and Members are asked to consider this when making their decision.

Overall, the application is considered to comply with the principles of the NPPF, Policies CS06, CS08 and CS11 of the Core Strategy 2011 and Policies DM2, DM15 and DM17 of the Site Allocations and Development Management Policies Plan 2016.

## **RECOMMENDATION:**

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans HAL22-CG-10 'Site Location Plan'; HAL22-CG-100RevH 'Proposed Site Plan'; and HAL22-CG-200RevG 'Proposed Floor Plan and Elevations'.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: There shall be no more than 12 adult dogs (dogs over 6 months of age) housed in the kennels on site and shown on the approved plan HAL22-CG-100RevH, at any one time; and no more than 14 adult dogs in total at the application site shown on drawing HAL22-CG-10 unless a further planning application is made to the LPA.
- 3 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 4 Condition: The development hereby approved shall be for the keeping of the occupiers own dogs (occupiers of the on-site dwelling known as Britina), and at no time shall the site be used for commercial boarding (including doggy daycare), or commercial training purposes.
- 4 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality and highway safety in accordance with the NPPF.
- 5 Condition: The use of the kennels and associated exercise areas hereby approved shall remain within the control of the occupants of the main dwelling known as Britina, Folgate Lane, Walpole St Andrew, and at no time shall be separated or sold as a separate and unassociated site.
- 5 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.

- 6 Condition: The development hereby approved shall be carried out in accordance with the 'Management Plan B' dated May 2023 and received by the Local Planning Authority on 17th May 2023.
- 6 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 7 Condition: All dog waste and soiled bedding shall be disposed of as stated within the approved Management Plan B and stored in the dog waste bin (shown on approved drawing HAL22-cg-100RevH) which shall be kept covered and which shall be emptied when full.
- 7 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.
- 8 Condition: Prior to the occupation of the kennels hereby approved, the foul and surface water drainage details as shown on approved drawing HAL22-CG-100RevH shall be constructed as agreed, and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 8 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 9 Condition: All hard and soft landscape works shall be carried out in accordance with drawing HAL22-CG-500 'Boundary treatment and Landscaping Plan'. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 9 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 10 Condition: Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lights, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 10 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 11 Condition: The development hereby approved shall be carried out in accordance with the Flood Statement dated May 2022 and received by the Local Planning Authority on 18th May 2022.
- 11 Reason: In order to comply with the principles of the NPPF, in particular para 159.

**PLANNING COMMITTEE -**

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

**PURPOSE OF REPORT**

- (1) To inform Members of the number of decisions issued between the production of the 5 June Planning Committee Agenda and the 3 July agenda. 103 decisions issued 92 decisions issued under delegated powers with 11 decided by the Planning Committee.
- (2) To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority’s powers contained in the Town and Country Planning Act 1990 and have no financial implications.
- (3) This report does not include the following applications – Prior Notifications, Discharge of Conditions, Pre Applications, County Matters, TPO and Works to Trees in a Conservation Area
- (4) Majors are assessed against a national target of 60% determined in time. Failure to meet this target could result in the application being dealt with by Pins who will also receive any associated planning fee.

**RECOMMENDATION**

That the reports be noted.

Number of Decisions issued between 18 May 2023 – 15 June 2023

	Total	Approved	Refused	Under 8 weeks	Under 13 weeks	Performance %	National Target	Planning Committee decision	
								Approved	Refused
<b>Major</b>	1	1	0			<b>100%</b>	60%	2	0
<b>Minor</b>	42	39	3	32		<b>76%</b>	80%	1	0
<b>Other</b>	60	55	5	48		<b>80%</b>	80%	6	2
<b>Total</b>	<b>103</b>	<b>95</b>	<b>8</b>						

Planning Committee made 11 of 103 the decisions, 10%

**PLANNING COMMITTEE -**

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

---

**PURPOSE OF REPORT**

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

**RECOMMENDATION**

That the report be noted.

**DETAILS OF DECISIONS**

156

<b>DATE RECEIVED</b>	<b>DATE DETERMINED/ DECISION</b>	<b>REF NUMBER</b>	<b>APPLICANT PROPOSED DEV</b>	<b>PARISH/AREA</b>
27.03.2023	13.06.2023 <b>Application Permitted</b>	23/00692/F	Abbey Farm Chapel Lane Barton Bendish KINGS LYNN VARIATION OF CONDITION 2,7,8 AND 14 OF PLANNING APPLICATION 21/01618/F - Alterations, conversion and extensions to existing barns to create new wedding events venue with associated parking and new access	Barton Bendish

19.05.2023	13.06.2023 <b>Consent Required</b>	23/00916/SU	Street Record Chilver House Lane Bawsey Norfolk NOTIFICATION UNDER REGULATION 5 OF THE ELECTRONIC COMMUNICATIONS CODE (CONDITIONS AND RESTRICTIONS) REGULATIONS 2003 (AS AMENDED): Installation of 3 x 9m wooden poles	Bawsey
05.05.2022	23.05.2023 <b>Application Permitted</b>	22/00905/F	29 Mill Hill Brancaster King's Lynn Norfolk Retrospective fence in excess of 2m to the south, raising of levels following soil build up with fence/screening to north, planters to front of property	Brancaster
23.12.2022	09.06.2023 <b>Application Permitted</b>	22/02285/F	11 Sawyers Yard Brancaster Norfolk PE31 8FW Construction and installation of an in-ground block liner swimming pool in the rear garden of 11 Sawyers Yard, Brancaster.	Brancaster
29.12.2022	08.06.2023 <b>Application Refused</b>	22/02318/F	Kia Ora Main Road Brancaster Staithe King's Lynn Proposed Residential Development Following Demolition Of Existing Bungalow	Brancaster
10.03.2023	26.05.2023 <b>Application Permitted</b>	23/00436/F	Corner Cottage Dalegate Road Burnham Deepdale Norfolk Conversion of former garage to annex and insertion of roof-light to kitchen roof in house	Brancaster

19.05.2023	02.06.2023 <b>Application Permitted</b>	21/02379/NMA_1	1 Prospect Place Harbour Way Brancaster King's Lynn NON-MATERIAL AMENDMENT to Planning Permission 21/02379/F: Raising of roof to rear of property	Brancaster
05.12.2022	02.06.2023 <b>Application Refused</b>	22/02165/F	Howards Barn Creake Road Burnham Market King's Lynn Construction of a single storey first floor extension, with internal alterations to the ground floor, following refusal of previous application. Refusal Notice ref: 21/01806/F issued 2/8/22.	Burnham Market
27.02.2023	15.06.2023 <b>Application Permitted</b>	23/00405/F	Gallow Hill Farm Stanhoe Road Burnham Market KINGS LYNN Proposed two storey side extension	Burnham Market
08.03.2023	25.05.2023 <b>Application Permitted</b>	23/00480/F	The Garden House 24 Front Street Burnham Market Norfolk Oak framed garden gazebo	Burnham Market

19.05.2023	13.06.2023 <b>Tree Application</b> <b>- No objection</b>	23/00107/TREECA	Penny Broom Herrings Lane Burnham Market King's Lynn T1 Mature sycamore to receive a selective reduction of upper crown by around 1.5m. Selective works would be reducing the canopy back to suitable sub lateral growth points to retain shape and form. This will reduce trees wind exposure, reducing its risk of failure, allowing it to be retained but subject to annual inspection to ascertain any increase in loss of structural stability or physiological decline of the tree. Tree currently 16m high and crown spread 8m.	Burnham Market
24.03.2023	26.05.2023 <b>Tree Application</b> <b>- No objection</b>	23/00069/TREECA	Windy Nook Tower Road Burnham Overy Staithe KINGS LYNN To crown thin and crown raise by 20% also cut out dead wood from an Acer Psuedoplatanus (Sycamore) in the corner of the garden.	Burnham Overy
28.03.2023	23.05.2023 <b>Application</b> <b>Permitted</b>	23/00699/LB	Church Hill Farmhouse Church Hill Farm Wells Road Burnham Overy Town Application for listed building consent for replacement of window frames to attic dormers (7) and replacement of window frames to attic gable windows (2)	Burnham Overy

13.03.2023	02.06.2023 <b>Application Permitted</b>	23/00455/F	Breck House Sandy Lane Broadmeadow Common Castle Acre Proposed front porch and rear boot room extension. Plus replacement of timber framed outbuilding workshop, with new workshop and car-port, with storage space above.	Castle Acre
12.04.2023	22.05.2023 <b>Tree Application - No objection</b>	23/00092/TREECA	1 St James Green Castle Acre King's Lynn Norfolk T1 Silver Birch - Reduce height of tree by 3m. Reduce out stretched branches by 2m to prevent future failure. Crown raise to 4m above vehicle height. T2 Walnut - Remove deadwood, tree is a twin stem poor specimen containing many weak/dying branches with cavities. Reduce tree by 2.5m where possible. T3 Silver Birch - Reduce in height by 2m within Conservation Area.	Castle Acre
14.02.2023	08.06.2023 <b>Application Permitted</b>	23/00271/F	The Lavenders St Andrews Lane Congham KINGS LYNN Change of use from studio to short term holiday let (2 persons)	Congham
11.04.2023	13.06.2023 <b>Application Permitted</b>	23/00661/F	10 Woodside Avenue Dersingham King's Lynn Norfolk Proposed single storey rear extension, new roof and rooflights to existing side infill extension and new window to front elevation	Dersingham



11.04.2023	13.06.2023 <b>Application Permitted</b>	23/00664/F	31 Saxon Way Dersingham King's Lynn Norfolk Proposed single storey extension to form additional living space to the rear and new porch.	Dersingham
09.11.2022	24.05.2023 <b>Application Refused</b>	22/02000/F	Gable House High Street Docking KINGS LYNN Adaption/extension to existing single storey garage to be revised to a two storey unit with garage and gym at ground floor level and studio at first floor level. All site levels are to remain unchanged.	Docking
31.01.2023	13.06.2023 <b>Would be Lawful</b>	23/00180/LDP	Bourne End Little Lane Docking King's Lynn Certificate of Lawfulness: The installation of solar panels on the east facing roof	Docking
20.04.2023	23.05.2023 <b>Tree Application - No objection</b>	23/00093/TREECA	11 Harefields Station Road Docking Norfolk T1 Small Oak - Crown raise to 5m, crown radius reduction by about 2m. Pruning to observe ISA guidelines. T2 small Horse Chestnut Tree - Reduction of about 4m to fence line with an overall crown reduction of about 2m within Conservation Area.	Docking

01.02.2023	09.06.2023 <b>Application Permitted</b>	23/00183/F	AX Building 3 Ryston End Downham Market Norfolk VARIATION OF CONDITIONS 2 AND 10 OF PLANNING PERMISSION 21/00641/F: Conversion of Former Office Buildings into 8 x Flats and Single Cottage	Downham Market
09.02.2023	26.05.2023 <b>Application Permitted</b>	23/00233/F	Walnut Lodge 39A London Road Downham Market Norfolk Extension of existing drop kerb to allow easier access to dwelling	Downham Market
15.03.2023	19.05.2023 <b>Application Permitted</b>	23/00485/F	17 St James Drive Downham Market Norfolk PE38 9SZ Demolition Of Existing Rear Conservatory And Construction Of New Flat Roof Garden Room With Lantern	Downham Market
16.03.2023	25.05.2023 <b>Application Permitted</b>	23/00623/F	118A Bexwell Road Downham Market Norfolk PE38 9LJ VARIATION OF CONDITION 2 AND 3 OF PLANNING APPLICATION 16/02199/F - Proposed extension, alterations and change of use from garage to self-contained dwelling	Downham Market
11.04.2023	17.05.2023 <b>TPO Served</b>	23/00082/TREECA	58 Paradise Road Downham Market Norfolk PE38 9JF T1 -Cedar- Remove within Conservation Area.	Downham Market

27.04.2023	19.05.2023 <b>Application Permitted</b>	20/01893/NMAM_1	Land E of 160 And W of Roundabout Bexwell Road Downham Market Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 20/01893/FM: Erection of a new Lidl food store (Use Class E) with associated car parking and landscaping	Downham Market
03.05.2023	02.06.2023 <b>Application Permitted</b>	22/00890/NMA_1	2 Primrose Avenue Downham Market Norfolk PE38 9EU NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 22/00890/F:	Downham Market
19.05.2023	09.06.2023 <b>Application Permitted</b>	22/01443/NMAM_3	157 - 159 Bexwell Road Downham Market Norfolk PE38 9LJ NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 22/01443/FM: Demolition of existing dwellings and re-development to provide a 72 bedroom care home (Use Class C2) together with associated access, car and cycle parking, structural landscaping and amenity space provision	Downham Market
14.10.2022	09.06.2023 <b>Application Permitted</b>	22/01831/F	Old Gym Downham Road Salters Lode DOWNHAM MARKET Continued commercial use of swimming pool. (Retrospective)	Downham West
23.11.2022	26.05.2023 <b>Application Permitted</b>	22/02099/F	Straw Hall Farm Birchfield Road Nordelph DOWNHAM MARKET Proposed general purpose grain store	Downham West

17.03.2023	05.06.2023 <b>Application Permitted</b>	23/00497/F	PLOT 1 22 Bagthorpe Road East Rudham King's Lynn VARIATION OF CONDITION 8 OF PLANNING APPLICATION 21/02172/F - Two detached houses including extended access (PLOT 1)	East Rudham
04.05.2023	07.06.2023 <b>Tree Application - No objection</b>	23/00095/TREECA	The Cottage School Road East Rudham King's Lynn -T1 Ash - Removal of overhanging branches into garden. Branches will be removed to the trunk. Electricity cables are directly below the branches	East Rudham
23.08.2022	19.05.2023 <b>Application Permitted</b>	22/01670/O	Crickle Farm Meadowgate Lane Emneth WISBECH Outline application all matters reserved: Demolition of existing agricultural building and erection of a residential dwelling on land east of Meadowgate Lane	Emneth
09.05.2023	13.06.2023 <b>TPO Refused</b> work	23/00040/TPO	4 Hungate Road Emneth Wisbech Norfolk 2/TPO/00226: T1 Lime T2 Lime - Fell	Emneth
02.11.2022	18.05.2023 <b>Application Permitted</b>	22/01944/F	5 Short Beck Feltwell Norfolk IP26 4AD New build dwelling with associated parking and renovation and extension to the existing garage, Outline planning already approved 18/01706/O	Feltwell

10.02.2023	02.06.2023 <b>Application Permitted</b>	23/00374/A	Feltwell Chinese Takeaway 32 Long Lane Feltwell THETFORD Retrospective Consent to Display Advertisement: Display of "Menu" and "Open" Signage	Feltwell
27.03.2023	25.05.2023 <b>Tree Application - No objection</b>	23/00085/TREECA	St Martin's Church High Street Fincham Norfolk T1-Cherry dead remove. T2 Horse Chestnut Pollard at primary unions(approx 2ms). T3-Elder dead Remove . T4 Ash dead remove. T5 Horse chestnut reduce height by no more than 2m and lateral branches 1.5m,current height 18m,crown spread 12-14m. T6 Lime reduce poorly attached minor stem at 6m south side back to live lateral. ( see attached detailed sheet)	Fincham
25.01.2023	18.05.2023 <b>Application Permitted</b>	23/00130/F	2 Manor Corner Cottage Common Lane Gayton Thorpe Norfolk Proposed two storey side extension	Gayton
23.03.2023	02.06.2023 <b>Application Permitted</b>	23/00541/F	The Wubbery Back Street Gayton King's Lynn First Floor Extension and Alterations.	Gayton
28.03.2023	09.06.2023 <b>Application Permitted</b>	23/00575/F	2 Blacksmiths Row Gayton King's Lynn Norfolk VARIATION OF CONDITION 2 OF PLANNING PERMISSION 22/01558/F: Construction of annex within garden of dwelling	Gayton

16.01.2023	18.05.2023 <b>Application Permitted</b>	23/00064/F	8 Abbeyfields Abbey Road Great Massingham King's Lynn Loft conversion including increased roof pitch of a single storey dwelling.	Great Massingham
31.03.2023	02.06.2023 <b>Application Permitted</b>	23/00733/F	Piplin House Castleacre Road Great Massingham King's Lynn Proposed extension and alterations	Great Massingham
12.04.2023	12.06.2023 <b>Application Permitted</b>	23/00670/F	Sunrise 52 Weasenham Road Great Massingham King's Lynn Proposed External Canopy area with Lantern	Great Massingham
24.05.2023	26.05.2023 <b>Application Permitted</b>	22/02294/NMA_1	The Old Stores 3 Abbey Road Great Massingham King's Lynn NON-MATERIAL AMENDMENT TO PLANNING APPLICATION 22/02294/F - Proposed First floor rear extension, reintroduction of dormer window to front elevation, rear extension to loft and new porch to front elevation.	Great Massingham
20.03.2023	22.05.2023 <b>Application Permitted</b>	23/00637/F	64 Church Close Grimston King's Lynn Norfolk Two storey side extension, porch and internal alterations to dwelling.	Grimston
17.02.2023	25.05.2023 <b>Application Permitted</b>	23/00312/F	71 College Drive Heacham King's Lynn Norfolk Demolition of conservatory. Erection Single storey side & rear extension.	Heacham
09.03.2023	15.06.2023 <b>Application Permitted</b>	23/00489/F	27 Cheney Hill Heacham King's Lynn Norfolk Proposed garage .	Heacham

22.03.2023	08.06.2023 <b>Prior Approval - Refused</b>	23/00566/PACU6	70 South Beach Road Heacham King's Lynn Norfolk Notification for Prior Approval for change of use of agricultural building to a small hotel (C1) (Schedule 2, Part 3, Class R)	Heacham
19.04.2023	13.06.2023 <b>Application Permitted</b>	23/00707/F	27 St Marys Close Heacham Norfolk PE31 7HL Proposed garage extension to create store and covered walkway	Heacham
20.04.2023	18.05.2023 <b>Application Permitted</b>	19/01670/NMA_1	Rest Haven 23 South Beach Heacham Norfolk NON-MATERIAL AMENDMENT TO 19/01670/F: Alterations and extensions	Heacham
20.04.2023	13.06.2023 <b>Not Lawful</b>	23/00722/LDP	Land SE of 50 Hunstanton Road Heacham Norfolk Application for Lawful Development Certificate: Proposed erection of 1.8m fence	Heacham
21.04.2023	23.05.2023 <b>Tree Application - No objection</b>	23/00087/TREECA	38 Hunstanton Road The Green Heacham Norfolk T1 - Sycamore. Approx 15-20 meters in height. Reduce crown by 2-3 meters. Reshape as feasible within Conservation Area.	Heacham
29.12.2022	12.06.2023 <b>Application Permitted</b>	22/02317/F	40 Tower Road Hilgay Downham Market Norfolk Proposal for an additional floor above side extension. All materials to match existing dwelling	Hilgay

10.03.2023	15.06.2023 <b>Application Permitted</b>	23/00435/F	Cronins Cottage Steels Drove Hilgay DOWNHAM MARKET VARIATION OF CONDITION 2 OF PLANNING CONSENT 20/01742/F: REMOVAL OR VARIATION OF CONDITION 1 OF PLANNING PERMSSION 19/01339/F: Use of property for part residential and part dog day care and home boarding business	Hilgay
30.03.2023	13.06.2023 <b>Application Permitted</b>	23/00729/F	9 Ely Road Hilgay Downham Market Norfolk Demolition of existing bungalow and outbuildings and construction of three dwellings and garages	Hilgay
30.11.2022	01.06.2023 <b>Application Permitted</b>	22/02151/F	Swedish Lodge 55 Peddars Way Holme next The Sea Norfolk ,Single storey garage/workshop side extension	Holme next the Sea
05.04.2023	01.06.2023 <b>Application Permitted</b>	23/00645/F	15 Barnwell Cottages Aslack Way Holme next The Sea Norfolk Variation of Condition 2 attached to Planning Permission 21/01775/F: Erection of single storey insulated timber garden office to enable working from home	Holme next the Sea



11.04.2023	22.05.2023 <b>Tree Application - No objection</b>	23/00080/TREECA	Whitehall Farm 26 Kirkgate Holme next The Sea Norfolk T1 - T5 Sycamores : remove significant dead wood, cut back to give 2m clearance to chimneys/roof T6 - T9 Acers : reduce crowns by approximately 20% (radius 4.5m to 3m) within Conservation Area.	Holme next the Sea
05.05.2023	13.06.2023 <b>Tree Application - No objection</b>	23/00096/TREECA	Home Farm House 40 Westgate Holme next The Sea Norfolk Fell 2 x Ash trees due to damage to the boundary wall shown on the submitted site plan	Holme next the Sea
16.06.2022	26.05.2023 <b>Application Permitted</b>	22/01228/F	Holiday Flats And Former Holiday Chalet Site Manor Road Hunstanton Norfolk A new building for 8No flats; 1No bed and 2No bed mix within a 2 storey block	Hunstanton
16.06.2022	07.06.2023 <b>Application Permitted</b>	22/01235/FM	Holiday Flats And Former Holiday Chalet Site Manor Road Hunstanton Norfolk A new 70 No. beds care home within a 2 & 3 storey building.	Hunstanton
06.02.2023	02.06.2023 <b>Application Permitted</b>	23/00210/F	42A Church Street Hunstanton Norfolk PE36 5HD Change of use from auction room to dwelling	Hunstanton

13.04.2023	08.06.2023 <b>Application Permitted</b>	23/00675/F	42 Clarence Road Hunstanton Norfolk PE36 6HQ Proposed loft conversion to provide additional accommodation incorporating dormers to south and west elevations	Hunstanton
15.03.2023	06.06.2023 <b>Application Permitted</b>	23/00564/F	Ingoldisthorpe Sport & Social Club The Drift Ingoldisthorpe King's Lynn  Extension to create new toilets, changing rooms and other associated rooms for social club use	Ingoldisthorpe
23.11.2022	22.05.2023 <b>Application Permitted</b>	22/02102/F	117 Wootton Road Gaywood King's Lynn Norfolk Retrospective Application: Car port already erected using timber frame and timber roof supports and bitumen roof panels	King's Lynn
25.11.2022	19.05.2023 <b>Application Permitted</b>	22/02132/A	127 Norfolk Street King's Lynn Norfolk PE30 1AP Retrospective Advertisement Application: 1x static internally illuminated ATM fascia sign	King's Lynn
25.11.2022	19.05.2023 <b>Application Permitted</b>	22/02133/F	127 Norfolk Street King's Lynn Norfolk PE30 1AP Retrospective Application: Installation of a ATM and new shopfront	King's Lynn

16.01.2023	08.06.2023 <b>Application Permitted</b>	23/00059/F	117 Gayton Road King's Lynn Norfolk PE30 4EP Removal of existing metal frame and canvas outbuilding and replace with double garage and storeroom	King's Lynn
30.01.2023	24.05.2023 <b>Application Permitted</b>	23/00160/F	9 Tennyson Avenue King's Lynn Norfolk PE30 2QG Change of Use from Seven Bedroomed House in Multiple Occupation to Four Studio Flats	King's Lynn
30.01.2023	07.06.2023 <b>Application Permitted</b>	23/00163/F	10 - 16 High Street King's Lynn Norfolk Change of use of 1st and 2nd floor from commercial (E) to dwellinghouses (C3) and alterations of facades with the addition of windows on first and second floor (mansard roof) and new access points to upper floors and refuse and cycle storage on ground floor, mainly at Union Lane side	King's Lynn
14.02.2023	23.05.2023 <b>Application Permitted</b>	23/00269/F	LeisureGrow Products Ltd (Old Gardam Site) Clenchwarton Road West Lynn King's Lynn Proposed product display area and factory retail outlet	King's Lynn
21.02.2023	18.05.2023 <b>Application Permitted</b>	23/00328/F	33 Kensington Road King's Lynn Norfolk PE30 4AS Two-storey side extension, single storey rear extension, and new detached workshop.	King's Lynn

27.02.2023	02.06.2023 <b>Application Permitted</b>	23/00409/F	Merlango Ltd 7 King Street King's Lynn Norfolk Kitchen extension to rear of property and fitting of flue terminals to existing chimney stack and installation of fence (amended design) to enclose courtyard	King's Lynn
27.02.2023	02.06.2023 <b>Application Permitted</b>	23/00411/LB	Merlango Ltd 7 King Street King's Lynn Norfolk Kitchen extension to rear of property and fitting of flue terminals to existing chimney stack	King's Lynn
03.03.2023	12.06.2023 <b>Application Permitted</b>	23/00462/F	114 Fenland Road King's Lynn Norfolk PE30 3ES Proposed 2 storey side extension comprising of garage/store to ground floor with bedroom and ensuite to first floor	King's Lynn
17.03.2023	02.06.2023 <b>Application Permitted</b>	23/00508/A	59A Lynn Road Gaywood King's Lynn Norfolk Surface mounted signage advertising barbers within building & Barbers' Pole	King's Lynn
29.03.2023	14.06.2023 <b>Application Permitted</b>	23/00597/F	3 Margaret Rose Close King's Lynn Norfolk PE30 4UN Construction of replacement porch (retrospective)	King's Lynn

13.04.2023	12.06.2023 <b>Was_ Would be Lawful</b>	23/00678/LDP	Engage Norfolk Ltd 47A Bergen Way North Lynn Industrial Estate King's Lynn Application for a Lawful Development Certificate for a proposed uPVC glazed entrance in front of existing roller shutter doors to improve accessibility for our clients (adults with disabilities). The existing roller shutter will remain in place and a glazed unit will be constructed in front	King's Lynn
15.05.2023	12.06.2023 <b>Application Permitted</b>	15/02132/NMA_2	Victory Court 34 Bryggen Road North Lynn Industrial Estate King's Lynn NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 15/02132/F: New office units at Victory Court (retrospective)	King's Lynn
23.05.2023	02.06.2023 <b>Application Permitted</b>	23/00328/NMA_1	33 Kensington Road King's Lynn Norfolk PE30 4AS NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 23/00328/F: Two-storey side extension, single storey rear extension, and new detached workshop	King's Lynn
21.03.2023	14.06.2023 <b>Application Permitted</b>	23/00651/F	Park Lodge 20 Church Lane Ashwicken King's Lynn VARIATION OF CONDITION 2 AND 3 OF PLANNING PERMISSION 22/00760/F: Replacement Dwelling and Detached Garage.	Leziate

17.05.2023	09.06.2023 <b>AG</b> <b>Prior</b> <b>Notification</b> - <b>NOT REQD</b>	23/00892/AG	Bodgers Farm Black Drove Marshland St James Wisbech Agricultural Prior Notification: Proposed building to be used for the drying and storage of grain	Marshland St James
15.03.2023	02.06.2023 <b>Application</b> <b>Refused</b>	23/00544/F	2C Brandon Road Methwold THETFORD Norfolk Garage extension and loft conversion forming 2 bedrooms and 1 bathroom	Methwold
04.04.2023	01.06.2023 <b>Application</b> <b>Permitted</b>	23/00638/F	14 Stoke Road Methwold Thetford Norfolk Replacement dwelling	Methwold
23.01.2023	18.05.2023 <b>Application</b> <b>Permitted</b>	23/00138/F	William George Business Park William George Way Blackborough End Norfolk Construction of 3no Storage Units (Non Residential) complete with electricity supply to each individual unit, concrete hardstanding and dedicated access drive onto William George Way	Middleton
17.01.2023	15.06.2023 <b>Application</b> <b>Permitted</b>	23/00071/F	Land At E 564666 N 325257 Off Ling Common Road North Wootton Norfolk Retrospective Erection of a farm building.	North Wootton
09.03.2023	23.05.2023 <b>Application</b> <b>Permitted</b>	23/00488/F	3 Cambridge Road North Wootton King's Lynn Norfolk Proposed single storey extension to front elevation	North Wootton

27.03.2023	13.06.2023 <b>Application Permitted</b>	23/00571/F	West Norfolk Rugby Football Club Gatehouse Lane North Wootton King's Lynn  PROPOSED GROUND / FIRST FLOOR EXTENSIONS AND EXTENSION TO EXISTING BALCONY	North Wootton
14.03.2023	26.05.2023 <b>Application Permitted</b>	23/00561/F	Big K Charcoal Merchants Whittington Hill Whittington King's Lynn (Retrospective) Installation of water storage tank	Northwold
11.04.2023	22.05.2023 <b>Tree Application - No objection</b>	23/00081/TREECA	The Old Barn 10 West End Northwold Thetford T1 - Alder tree - fell to ground level. Reason - there is a large cavity at the base. Leaning heavily over the river towards adjacent property within Conservation Area	Northwold
17.03.2023	31.05.2023 <b>Application Permitted</b>	23/00598/F	White Cottage 19 Wodehouse Road Old Hunstanton HUNSTANTON VARIATION OF CONDITION 2 OF PLANNING CONDITION 22/01744/F -Demolition of existing dwelling and construction of replacement dwelling	Old Hunstanton

30.03.2023	07.06.2023 <b>Application Permitted</b>	23/00719/F	La Hat 27 Golf Course Road Old Hunstanton HUNSTANTON VARIATION OF CONDITION 2 OF PLANNING CONSENT 21/02277/F -Renovation and refurbishment of existing dwelling including construction of dormers, a single storey extension with canopy over, new and replacement decking, a new exterior stair and refurbishment of a retaining wall.	Old Hunstanton
08.03.2022	25.05.2023 <b>Application Refused</b>	22/00395/F	Agricultural Building NW of Fairview Angle Road Outwell Norfolk Proposed 1x Dwelling including change of use from agricultural to residential with existing barn to be demolished	Outwell
07.03.2023	23.05.2023 <b>TPO Approved</b> <b>Work</b>	23/00012/TPO	Penny Fields 48 Common Road Runcton Holme King's Lynn 2/TPO/00527 - T2 Oak - Crown lift to approx 2.8m and remove branches at ground level. Remove ivy and deadwood.	Runcton Holme
16.03.2023	02.06.2023 <b>Application Permitted</b>	23/00502/F	1 Banyards Place Runcton Holme King's Lynn Norfolk Replacement dwelling following fire damage to existing bungalow	Runcton Holme



21.03.2023	07.06.2023 <b>Application Permitted</b>	23/00532/F	1 College Lane South Runcton King's Lynn Norfolk DEMOLITION OF EXISTING SINGLE STOREY SIDE AND REAR EXTENSION TO REPLACE WITH TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION	Runcton Holme
03.11.2022	13.06.2023 <b>Application Permitted</b>	22/02058/CU	Land S of 32 And N of Spring View 32 Common Road Snettisham King's Lynn Use of land for storage of timber, timber splitting, repair and storage of personal vehicles	Snettisham
01.12.2022	25.05.2023 <b>Application Permitted</b>	22/02146/F	Grooms Cottage 12A Lynn Road Snettisham KINGS LYNN Proposed rear two storey extension and patio and associated alterations.	Snettisham
10.03.2023	02.06.2023 <b>Application Permitted</b>	23/00437/F	5 Sedgeford Road Snettisham King's Lynn Norfolk Single storey rear extension, first floor extension and new front porch. Associated cladding and alterations.	Snettisham

09.05.2023	15.06.2023 <b>TPO Work Approved</b>	23/00035/TPO	The Grange 42 Lynn Road Snettisham KINGS LYNN 2/TPO/00228 - T1 pine, heavily leaning, removal due to probability of failure. Evidently there is an historic permission to have this tree removed. Verbal information that the tree has a split, but as it is ivy covered this has not been possible to confirm.  T2 beech, dead, felled due to County Council Notice	Snettisham
17.01.2023	15.06.2023 <b>Application Refused</b>	23/00083/CU	Solitaire 14 Burnham Road South Creake Fakenham Change of use from self contained annexe to single residential dwelling in its own right with shared access.	South Creake
12.04.2023	07.06.2023 <b>Was Lawful</b>	23/00677/LDE	Sutton House 33 Back Street South Creake Norfolk Application for a Lawful Development Certificate for the existing use of land as garden land associated with Sutton House	South Creake
25.01.2023	25.05.2023 <b>Application Permitted</b>	23/00135/F	1 Rill Close South Wootton King's Lynn Norfolk Conversion of an existing porch, side extension to form en-suite and a rear and side extensions to form a new Entrance Hall, Utility, Garage and Lounge	South Wootton

24.02.2023	18.05.2023 <b>Application Permitted</b>	23/00347/F	Corgi Lodge Greatmans Way Stoke Ferry Norfolk New roof to create higher pitch and add 2 bedrooms for large family.	Stoke Ferry
25.04.2023	13.06.2023 <b>Tree Application - No objection</b>	23/00089/TREECA	Cockshill Oxborough Road Stoke Ferry King's Lynn Sycamore Reduce 2-3m, Walnut Reduce 1-2m, Laburnham 1-2m, Cedar Reduce 1m, Willow Reduce 1m, Mulberry Reduce 1-2m. The above trees on the specified site, are due general maintenance to help retain their shape. The sycamore in particular is crowding the neighbouring property and overhanging the highway, and power cables. It also needs removal of dead/broken, wind damaged branches.	Stoke Ferry
12.01.2023	26.05.2023 <b>Application Permitted</b>	23/00043/F	Land Between 212 - 218 the Drove Barroway Drove DOWNHAM MARKET Norfolk VARIATION OF CONDITIONS 1, 3, 4, 5 AND 9 OF PERMISSION 21/00787/RM: Reserved matters application for proposed 2 storey dwelling	Stow Bardolph
05.04.2023	01.06.2023 <b>Application Permitted</b>	23/00648/F	Studley 52 Lynn Road Terrington St Clement KINGS LYNN Timber orangery and associated roof alterations	Terrington St Clement

13.03.2023	07.06.2023 <b>Not Lawful</b>	23/00438/LDP	Land North of Coach House High Street Thornham Norfolk Application for a Lawful Development Certificate for the erection of a 2m high fence	Thornham
27.03.2023	02.06.2023 <b>Application Permitted</b>	23/00557/F	Portland High Street Thornham Hunstanton Extension above attached garage to provide new bedroom suite; alteration to fenestration and materials	Thornham
11.05.2023	06.06.2023 <b>Application Permitted</b>	22/02137/NMA_1	Lazy Winds Ship Lane Thornham Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSIN 22/02137/F: Variation of Condition 2 of Planning Permission 21/02109/F: Proposed one and a half storey front and rear extensions, single storey rear extension and internal alterations	Thornham
25.10.2022	24.05.2023 <b>Application Permitted</b>	22/01895/F	Holly Manor Lynn Road Tilney All Saints Norfolk Proposed Garage and Garden Store	Tilney St Lawrence
06.12.2022	25.05.2023 <b>Application Permitted</b>	22/02179/F	22 Westfields Tilney St Lawrence King's Lynn Norfolk Proposed dwelling and single garage and the use of the existing steel framed garage/workshop by the proposed dwelling for incidental purposes.	Tilney St Lawrence

07.03.2023	09.06.2023 <b>Prior Approval - Approved</b>	23/00481/PACU3	Limes Farm Lynn Road Tilney All Saints Norfolk Notification for Prior Approval: Change of use of Agricultural Buildings to Dwellinghouse (Schedule 2, Part 3, Class Q)	Tilney St Lawrence
16.03.2023	24.05.2023 <b>Application Permitted</b>	23/00483/F	64 St Johns Road Tilney St Lawrence Norfolk PE34 4QN Replacement of existing conservatory and addition of a covered terrace	Tilney St Lawrence
04.04.2023	02.06.2023 <b>Application Permitted</b>	23/00619/F	Walnut Lodge 34 Small Lode Upwell Wisbech VARIATION OF CONDITION 2 OF PLANNING PERMISSION 21/00232/F: Extension and alterations to dwelling and proposed garage	Upwell
10.02.2023	25.05.2023 <b>Application Permitted</b>	23/00338/F	Land Adjacent Its-Me Ratten Row Walpole Highway WISBECH Proposed two storey dwelling to the side garden	Walpole Highway
15.02.2023	09.06.2023 <b>Application Permitted</b>	23/00291/F	Tamar Nurseries Ltd West Drove South Walpole Highway WISBECH Erection of storage building	Walpole Highway
20.12.2022	25.05.2023 <b>Application Permitted</b>	22/02251/F	The Gables Wheatley Bank Walsoken Wisbech Retrospective application for temporary change of land for commercial use	Walsoken

17.03.2023	09.06.2023 <b>Application Permitted</b>	23/00588/F	19 Burrett Gardens Walsoken WISBECH Norfolk Proposed rear and side extension including demolition of neighbouring canopy. Garage conversion to annexe. Proposed Extension to form shed.	Walsoken
24.03.2023	13.06.2023 <b>Application Permitted</b>	23/00548/F	Swan Cottage Hundred Foot Bank Welney WISBECH Proposed extension and internal alterations to existing dwelling and extension to decking.	Welney
29.03.2023	17.05.2023 <b>TPO Work Approved</b>	23/00073/TPO	Village Pond Church Road Wereham Norfolk 2/TPO/00653: T2 Weeping Willow (North west side of village pond church road wereham) Fell to Ground level and re-plant with 3 x Weeping Willows (Salix alba) or reduce crown to 5m height and reduce all limbs back to stem.	Wereham
11.04.2023	22.05.2023 <b>Tree Application - No objection</b>	23/00088/TREECA	Wereham Village Hall Church Road Wereham KINGS LYNN T001 Hawthorn - Fell to ground level. T0992 Oak - Crown lift to 5.2m for highway clearance. T0995 Ash - Remove deadwood greater than 25mm. Crown lift to 3m for pedestrian clearance.	Wereham
14.04.2023	23.05.2023 <b>TPO Work Approved</b>	23/00033/TPO	Holme Oak Stoke Road Wereham King's Lynn 2/TPO/00538: T2 T4 T5 - Holly stumps - remove as eyesore. T11 Scots Pine - Remove as dead	Wereham

16.12.2022	14.06.2023 <b>Application Permitted</b>	22/02239/CU	Meredyke House Harps Hall Road Walton Highway Norfolk Change of use of timber dog kennel area into a dog grooming salon	West Walton
27.02.2023	18.05.2023 <b>Application Permitted</b>	23/00408/F	Sebastapol Farm Mill Road West Walton Wisbech Proposed full plan conversion of a Barn with existing prior approval into a 3 bed 2 storey dwelling, domestic garden and upgraded access.	West Walton
31.03.2023	09.06.2023 <b>Application Permitted</b>	23/00606/F	Whinhams Farm 81 St Pauls Road South Walton Highway WISBECH Proposed sun room extension, loft conversion and outbuilding	West Walton
11.04.2023	13.06.2023 <b>Application Permitted</b>	23/00785/F	19 Row Hill West Winch King's Lynn Norfolk RETROSPECTIVE APPLICATION: To retain cladding replacing former hanging tiles	West Winch
03.02.2023	09.06.2023 <b>Application Permitted</b>	23/00201/F	Level Banks 50 Common Road Wiggenhall St Mary the Virgin Norfolk Retrospective single storey rear extension	Wiggenhall St Germans