

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



Planning Committee

Agenda

Thursday, 24th February, 2022
at 9.30 am

in the

Assembly Room
Town Hall
King's Lynn

Also available to view on [WestNorfolkBC on YouTube](#)



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
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PLANNING COMMITTEE AGENDA

Please note that, if required, 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: Thursday, 24th February, 2022

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 7 February 2022.

3. DECLARATIONS OF INTEREST

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 Chairman 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. CHAIRMAN'S CORRESPONDENCE

To receive any Chairman's correspondence.

7. RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS

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

8. INDEX OF APPLICATIONS (Page 6)

The Committee is asked to note the Index of Applications.

a) Decisions on Applications (Pages 7 - 87)

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

To: Members of the Planning Committee

Councillors F Bone, C Bower, A Bubb, M de Whalley, G Hipperson (Vice-Chair), A Holmes, C Hudson, B Lawton, C Manning, E Nockolds, T Parish, S Patel, C Rose, J Rust, C Sampson, Mrs V Spikings (Chair), S Squire, M Storey, D Tyler and D Whitby

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 **Tuesday 1 March 2022** (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, **23 February 2022**. Please contact 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:

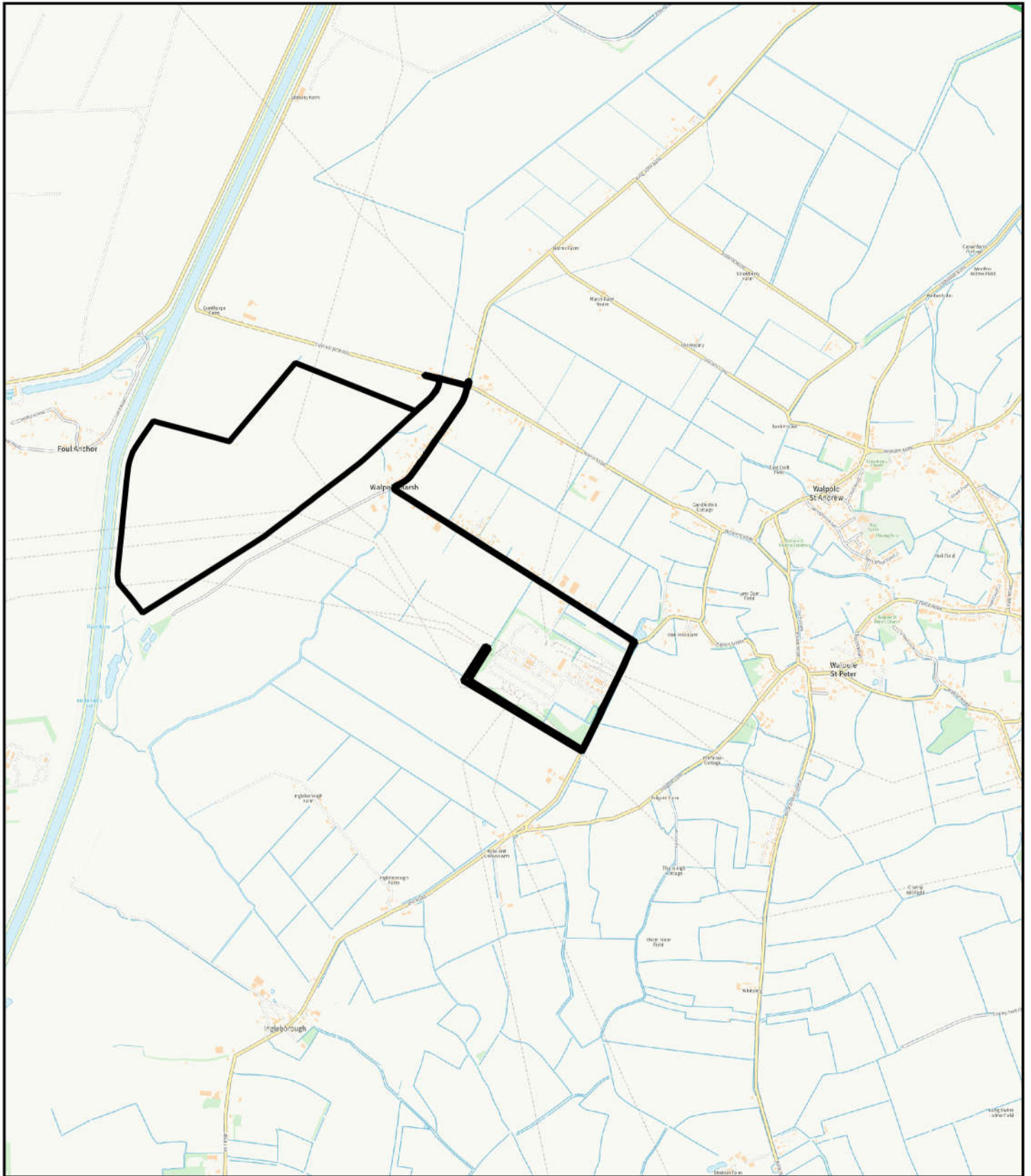
Kathy Wagg on 01553 616276
kathy.wagg@west-norfolk.gov.uk

**INDEX OF APPLICATIONS TO BE DETERMINED BY THE
PLANNING COMMITTEE AT THE MEETING TO BE HELD ON
THURSDAY 24 FEBRUARY 2022**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
8/1	MAJOR DEVELOPMENTS			
8/1(a)	21/01442/FM Land East Marsh S of Gunthorpe Road W of Flowers Farm and Frenchs Road, The Marsh, Walpole St Andrew, PE14 7JG Installation of a solar farm and battery storage facility with associated infrastructure	WALPOLE	APPROVE	7
8/2	OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE			
8/2(a)	21/02378/F Barn N of Vong Farm, Vong Lane, Pott Row Norfolk, PE32 1BW Demolition of existing agricultural barn (which has Class Q Approval to two dwellings (ref 20/00191/PACU3) and replace with new residential dwellings (2 No.)	GRIMSTON	APPROVE	54
8/2(b)	21/02391/CU Community Centre, Centre Point, PE30 4SR Proposed Change of Use of part of existing building from Community Centre to New Sixth Form Centre, minor internal alterations, external areas to consist of new asphalt play surface, new sail type canopy, replacement boundary fencing and screening.	KINGS LYNN	APPROVE	63
8/2(c)	21/02091/F Fenberry Farm Ltd, 84B Smeeth Road, Marshland St James, PE14 8JF Construction of 2 pairs of 3-bedroom semi-detached starter homes	MARSHLAND ST JAMES	APPROVE	74

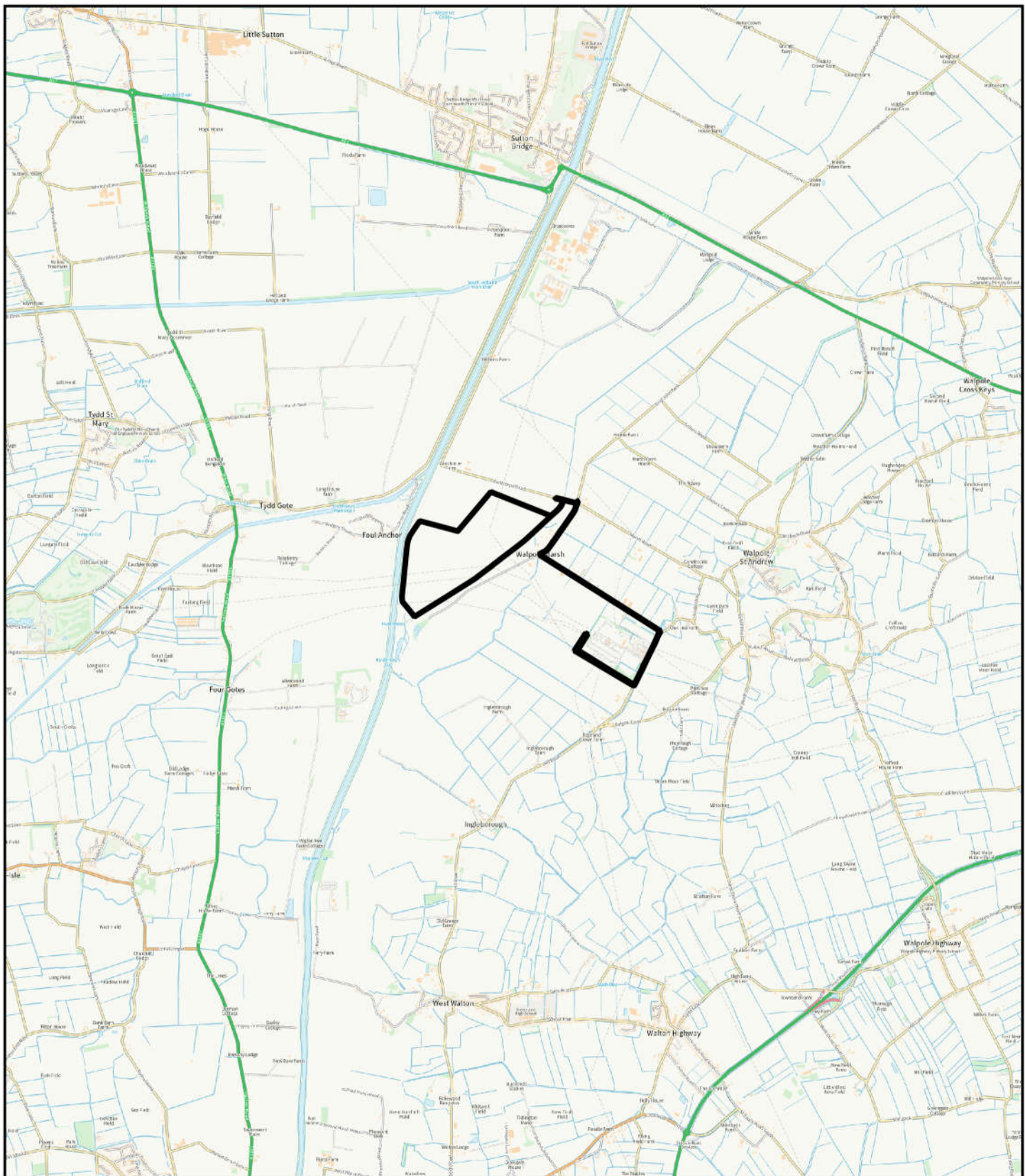
21/01442/FM

Land East March s of Gunthorpe Road W of Flowers Farm and Frenchs Road The Marsh Walpole St Andrew PE14 7JG



21/01442/FM

**Land East March s of Gunthorpe Road W of Flowers Farm and
Frenchs Road The Marsh Walpole St Andrew PE14 7JG**



Parishes':	Walpole West Walton Sutton Bridge	
Proposal:	Installation of a solar farm and battery storage facility with associated infrastructure	
Location:	Land At East Marsh S of Gunthorpe Road W of Flowers Farm And Frenchs Road The Marsh Walpole St Andrew Norfolk	
Applicant:	Walpole Green Limited	
Case No:	21/01442/FM (Full Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 19 October 2021 Extension of Time Expiry Date: 28 February 2022

Reason for Referral to Planning Committee – Called in for determination by the planning Committee at the request of Cllr Richard Blunt. There is also objections from Walpole Parish Council and Sutton Bridge Parish Council that are contrary to the Officer recommendation.

Neighbourhood Plan: No

Case Summary

This is a cross-boundary application duplicated with application ref: H18-0741-21 being processed by South Holland District Council (SHDC). At its meeting of the Planning Chairman's Panel on 21 January 2022, SHDC devolved its decision-making authority to this council, with a recommendation of approval.

The site (approx. 78ha of agricultural land) is located immediately west/south-west of the hamlet of Walpole Marsh and east of Foul Anchor and Tydd Gote. The latter two settlements are sited on the opposite side of the River Nene, which runs along the western site boundary, and beyond our remit (Fenland DC and SHDC accordingly). The site has a flat topography with open views, but with 4 no. overhead high voltage power lines supported by pylons that cross the site. The Walpole St Peter Footpath 1 also crosses the centre of the site in an east-west direction. This effectively constitutes the administrative boundary with SHDC, so the NE parcel of land lies within SHDC and the SW parcel lies within this Council's jurisdiction (plus the connection route to the National Grid).

This is a full planning application for the installation of a solar farm and battery storage facility with associated infrastructure and access via Gunthorpe Road.

The solar farm is predicted to have a peak output of 49.9MW, which could power the equivalent of more than 10,150 average homes in England. The development is anticipated to have a lifespan of 35 years, after which the land would be returned to full agricultural use. Sheep grazing is proposed in the interim so the land would not be fully lost to agriculture/food production. Biodiversity and landscaping enhancements are proposed as part of the development.

The electricity generated by the solar development would be fed into the National Grid at the Walpole Substation via underground cables mostly following the highway network.

The application has been submitted following Environmental Impact Assessment screening and a public consultation exercise.

Key Issues

- Cross Boundary Application
- Principle of Development
- Site Selection and Loss of Agricultural land
- Landscape and Visual Impact
- Heritage Assets
- Flood Risk and Drainage
- Ecology
- Access and Highway Matters
- Residential Amenity
- Glint and Glare
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

This is a full planning application for the installation of a solar farm and battery storage facility with associated infrastructure and access via Gunthorpe Road.

The development would cover approximately 78ha of arable agricultural land. The development is anticipated to have a lifespan of 35 years, after which the land would be returned to agricultural use, however during its operation sheep grazing is proposed.

The solar farm is predicted to have a peak output of 49.9MW, which could power the equivalent of more than 10,150 average homes in England.

The development would consist of solar PV panels, arranged in linear rows in a north-south alignment. Panels are mounted on either a galvanized steel or metal frame, with supports pile driven into the ground to a depth of between 1-2m. The panels are designed to rotate throughout the day, tracking the sun, and are to be mounted at approx. 0.8m from the ground at the lowest point, rising to up to approx. 3m at the highest point. At horizontal, the panels would be around 2.1m in height.

The development would also include a battery storage facility (to reinforce the power generation of the solar farm), substation compound, inverter stations, CCTV, weather stations, deer type perimeter fencing (approx. 2.1m high) and landscaping.

The electricity generated by the solar development would be fed into the National Grid at the Walpole Substation via underground cables. The underground cable route takes in the highways/highways verge of Gunthorpe Road, The Marsh, French's Road and Walpole Bank before being laid in agricultural land to the south and south west of the Substation.

The application has been submitted following pre-application advice and a public consultation exercise.

SUPPORTING CASE

The agent has raised the following submission in support of this application:

“Last summer King’s Lynn and West Norfolk Borough Council joined over 300 other Councils in having declared a climate emergency. The Council developed a ‘Climate Change Strategy and Action Plan’ to reduce corporate emissions and help reduce emissions elsewhere. The Council has an opportunity with this application to take the action necessary to help achieve Climate Act 2050 net zero targets and the proposals are fully supported by energy policy as it assists in the move to a low carbon economy. Rapidly increasing the amount of energy generated from renewable energy sources, including solar projects like this one at Gunthorpe Road, is essential.

The Proposed Development would supply up to 49.9 MW of clean renewable electricity to the National Grid. The current solar farm design (up to 39MW) provides the equivalent annual electrical needs of approximately 10,150 family homes. The anticipated CO2 displacement is around 8,927 tonnes per annum, which represents an emission saving equivalent of a reduction of 2,952 cars on the road. The battery storage facility would be utilised to reinforce the power generation.

This must be afforded substantial weight in the Committees’ considerations.

The Proposed Development will also provide significant biodiversity enhancements (approximately 67% habitat net gain and 1,589% hedgerow net gain), allow for soil regeneration, greatly improve Green Infrastructure corridors and connectivity and represent an important farm diversification project, with indirect socio-economic benefits, at a time when the urgent need for renewable energy projects cannot be understated.

This should also be afforded substantial weight in the Committees’ considerations.

The application has been amended during its consideration by Officers at both King’s Lynn and West Norfolk Borough Council and South Holland District Council to address comments received. This has included increasing the ‘step back’ distance of the Proposed Development in the north east corner of the Site, amending the landscaping proposals (additional new trees and an additional 1.6 km of new hedgerow (3.2 km new hedgerow overall now proposed)) and amending the site access and drainage proposals from those originally submitted.

The local development plan, the King’s Lynn and West Norfolk Borough Council Core Strategy and the King’s Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (principally Policy CS08 and DM20), are supportive and encourage appropriately sited renewable energy proposals where, as is the case at Gunthorpe Road, impacts have been reduced and mitigated to an acceptable level having balanced all material considerations.

There is an urgent requirement for the Proposed Development; it is entirely suitable to the Site and its surroundings; it accords with national and local planning policy and all relevant material planning considerations; and will deliver significant environmental benefits.”

PLANNING HISTORY

None recent on the application site.

Relevant applications associated to solar power generation and electricity storage in the locality of Walpole Substation:

14/00283/FM: Application Refused: 12/06/14 - Erection of 30MW solar photovoltaic facility with associated landscaping and construction of temporary access - Rose and Crown Farm - Appeal Allowed 11/09/15 (Committee decision)

19/02071/FM: Application Permitted: 04/03/20 - Proposed development of a below ground connection to the local distribution network and grid compound with associated infrastructure connecting sites at Model Farm, Flower Farm, and Crown Farm - Land At Model Farm, Flower Farm and Crown Farm (Delegated decision)

19/02002/FM: Application Permitted: 04/03/20 - Proposed development of a battery storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid - Crown Farm (Delegated decision)

19/02003/F: Application Permitted: 05/03/20 - Proposed development of a battery storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid - Model Farm (Delegated decision)

19/02004/FM: Application Permitted: 19/03/20 - Proposed development of a battery storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid - Flower Farm (Delegated decision)

20/01508/FM: Application Permitted: 15/01/21 - Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements - Land West And South of Walpole Substation (Sifting panel – delegated decision)

21/01715/FM: Application permitted: 27/01/22 - Proposed development of a battery storage installation and associated development to allow for the storage, importation and exportation of energy to the National Grid - Model Farm (Delegated decision)

22/00091/FM: Decision pending: Installation of underground cabling and associated electrical infrastructure to connect connected solar development (Ref: H18-1126_20) to the Walpole National Grid Substation

RESPONSE TO CONSULTATION

Walpole Parish Council: OBJECT - Continue our strong objections to this application and comments are as follows:

- CPRE objections are agreed and great concern is given to the fact that Grade 1 land will be taken away from food production.
- The Traffic Management Plan still does not offer any reduction on the quantity and size of the HGV vehicles on the small rural lanes in the parish.

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- We see no benefit to the community.
- We support the objections already made by parishioners.

West Walton Parish Council: NO COMMENTS

South Holland District Council: APPROVE and devolve authority to determine application to KLWNDC

Local Highway Authority (NCC): NO OBJECTION - Subject to conditions regarding Construction Traffic Management Plan.

Local Highway Authority (NCC) PROW Officer: NO OBJECTION - The further information provided does now allow the removal the holding objection as we are satisfied that the Public Right of Way will not be affected by the proposed development. The applicant must ensure that the measures stated below will be in place during and after the development.

The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

Lead Local Flood Authority (NCC): NO OBJECTION

Environment Agency: NO OBJECTION – Recommend mitigation measures contained in FRA are implemented.

Anglian Water: NO COMMENTS

Water Management Alliance IDB: NO OBJECTION – Mix of off-site drainage and on-site attenuation is supported – reminder of Land Drainage Consent required and byelaw restrictions advice

CSNN: NO OBJECTION - Subject to conditions relating to surface water drainage, operational noise level, Construction Traffic Management Plan and Construction Management Plan plus informative notes to be added to any consent

Environmental Quality: NO OBJECTION on contamination grounds

Cadent Gas/National Grid: NO OBJECTION

Norwich Airport: NO OBJECTION

Defence Infrastructure Organisation (DIO) Safeguarding Team: NO OBJECTION

Historic Environment Service: NO OBJECTION - Subject to conditions relating to archaeological investigations.

Natural England: NO OBJECTION – Will not have significant adverse impacts on statutory protected sites or landscapes; support implementation of habitats and wildlife enhancements contained in S.8 of the Ecological Impact Assessment.

Conservation Officer: NO OBJECTION - Only negligible harm will be caused to the settings of the closest designated heritage assets such as church towers and the windmill.

Historic England: NO COMMENTS

Norfolk Fire & Rescue Services: NO OBJECTION – Providing it meets the necessary current requirements of Building Regulations

CRPE – Norfolk: OBJECT - Comments summarised as follows:

- Contrary to Policy CS06
- Development not appropriate in size and scale to local area and detrimental to local environment
- Loss of food production
- Disappointing that Local Plan does not identify suitable areas for renewable and low carbon energy sources in line with Paragraph 155b of the NPPF
- Unnecessary loss of Grade 1/best and most versatile agricultural land
- Reference to Ministerial Statement by Eric Pickles (Sec of State for Communities & Local Govt.): ...” any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.” (March 2015)

REPRESENTATIONS

A total of **ELEVEN** items of correspondence raising **OBJECTION** on the following summarised grounds:

- No benefits to the village or local residents
- Loss of Grade 1 Agricultural land and food production
- Unsightly and too many
- Impact of construction traffic on inadequate road network
- Damages to verges and property
- Impact of HGVs on A17
- Wild flowers will be eaten by sheep
- Sheep will disturb ground nesting birds
- Concerns for wildlife – swallows, ground nesting birds, polarotactic insects
- Already saturated with power production and distribution facilities
- Reinstatement concerns – who would be responsible?
- Maintenance, replacement or upgrading panels
- Detrimental impact upon local jobs and community

- Too close to residential area and views affected
- Notice not served on a particular landowner
- Impact of proposed hedges on adjoining crops

CLlr Richard Blunt: Request for application to be referred to the Planning Committee for determination.

Additional consultation responses in respect of application Ref: H18-0741-21 submitted to SHDC which also apply to our application ref: 21/01442/FM:

The Rt Hon Sir John Hayes CBE MP:

I have recently been contacted by a number of constituents regarding the above planning application for the installation of a solar farm and battery storage facility on land south of Gunthorpe Road, Walpole Marsh. I share my constituents' concerns that this proposal will have a detrimental impact on the Fenland landscaping and local amenity. In addition, the application does not appear to include any planting or screening to help mitigate the impact this substantial development will have on the character and nature of the surrounding environment.

Furthermore, this proposal will see agricultural land removed from food production which would be undesirable. It is so important that farming land, such as this site, remains in production to ensure that food prices remain affordable, and that we maintain food security and protect our environment. I would, therefore, be grateful if you could treat my letter as an objection to this proposal.

Sutton Bridge Parish Council: OBJECT - Inadequate site access.

Anglian Water: NO OBJECTION - Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments.

Lincolnshire Wildlife Trust: NO OBJECTION – Suggest that the following are conditioned:

- All avoidance, mitigation measures and enhancements in the Ecological Impact Assessment by Delta Simons Dated June 2021
- Biodiversity Net Gain according to the Biodiversity Net Gain (BNG) Assessment by Delta Simons dated June 2021
- Long Term Management to 35 years as laid out within the Landscape and Ecological Management Plan by Delta Simons dated June 2021.

LCC Strategic Planning Manager: OBJECTS - The proposed development is considered contrary to the SE Lincolnshire Local Plan Policy 31: Climate Change and Renewable and Low Carbon Energy: B. Renewable Energy 4. Agricultural land take. The loss of Grade 1 Agricultural land is also contrary to NPPF - Footnote number 53 states that: 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.'

LCC Highways/SUDS: NO OBJECTION - Subject to standard highway and drainage informative and conditions.

LCC Historic Environment Officer: NO OBJECTION

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SHDC Environmental Protection (noise): NO OBJECTION but would wish to attach the following: Noise from fixed plant and machinery shall not exceed the background noise level by more than 5 dB(A) when measured as a 15 minute L(A) e.g. at any residential boundary not within the applicant's ownership.

SHDC Environmental Protection (contaminated land): NO OBJECTION - Requests standard contaminated land conditions.

Lincolnshire Police: NO OBJECTION

Fenland District Council: NO COMMENTS

Public (6 OBJECTIONS received, summarised as follows):

- Impact on landscape and countryside views
- High grade agricultural land should not be removed from production
- No provision to screen solar farm with tree or hedge planting
- Concern re noise impact and disruption to roads during construction period; impact of lorries on grass verges; vibration from lorries associated with construction; access roads being narrow, of poor construction and tight turns; site access in close proximity to a main drain with potential to collapse; concern regarding width of King John Bank and suitability of A17 junction with Centenary Way; potential for cumulative highway impact with other permitted schemes; access point right opposite property
- Impact on mental wellbeing
- No evidence seen of the donations such companies make
- Proposal would not go ahead if solar farm was to be nearer the village or Sutton Bridge
- Walpole St Andrew already between two power stations and wind farm; increase in industrial developments in the area over the years
- Query what compensation will be provided to local residents if development goes ahead
- Concern re impact on wildlife; measures to protect birds; badger setts in field
- Impact on property value and ability to sell
- Notice not served on a particular landowner
- Overshadowing of crops in adjacent field

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

DM20 - Renewable Energy

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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)

PLANNING CONSIDERATIONS

The key considerations in assessing this application are as follows:

Cross Boundary Application

The application affects both King’s Lynn and West Norfolk Borough Council (KLWNBC) and the neighbouring South Holland District Council (SHDC). In accordance with National Planning Practice Guidance (Paragraph 034 Reference ID: 22-034-20141017) where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each planning authority, identifying which part of the site is relevant to which authority. This has been done.

The planning fee is payable to the authority of whichever area contains the largest part (within the red line) of the whole application site. In this case KLWNBC has the greater site area (51.2Ha) and has been paid the appropriate fee.

In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the planning authority in whose administrative area the development proposed is to be carried out. In the case of cross boundary applications, this can lead to two planning authorities making individual determinations, imposing different conditions on the permissions, if approved, or could lead to a conflict in the decision making (approve/refuse).

Although there is no set guidance on dealing with such applications, the latter course of action is not recommended as it does not promote a co-ordinated approach to development management and may result in inconsistency in terms of conditions, obligations or indeed

where one authority recommends approval and the other refusal. This is highly undesirable in terms of achieving a co-ordinated approach to delivering development and contrary to the overall tenor of Government Guidance, which encourages 'joint working' between planning authorities in relation to the use of their planning powers.

In this case the majority of the development site is under the control of KLWNBC. Section 101(1) of the Local Government Act 1972 authorises a Local Authority to arrange for the discharge of any of their functions to be undertaken by any other local authority. For KLWNBC, this would mean that the Council can have the development control function of SHDC in respect of this cross-boundary application.

Indeed, at its meeting of the Planning Chairman's Panel on 21 January 2022, South Holland District Council devolved its decision-making authority to this Council in respect of this 'cross-boundary' application, with an accompanying recommendation of approval.

Principle of Development

National Policy

Current National Policy comprises:

Net Zero - The UK's Contribution to Stopping Global Warming (2019)

In May 2019 the UK's Committee on Climate Change ("CCC" and advisor to the Government on progress on tackling climate change) published "Net Zero - The UK's Contribution to Stopping Global Warming".

It recommended that the UK should set and vigorously pursue an ambitious target to reduce greenhouse gas emissions to "net zero" by 2050, thereby ending the UK's contribution to global warming within 30 years. The net zero target for 2050 will deliver on the commitment that the UK made in signing the 2015 Paris Agreement. The CCC recommended that to achieve this target the supply of low-carbon power must continue to expand rapidly.

The technical report accompanying the Net Zero report suggests potential for 29-96 GW of onshore wind, 145-615 GW of solar power and 95-245 GW of offshore wind in the UK.

The report sets out a number of findings, those of relevance are provided below:

- Scenarios for 2030 and 2050 see variable renewables providing 50-75% of overall electrical energy production and are contingent on system flexibility improving
- Improvements in system flexibility can come from increased deployment of battery storage
- Significant new renewable generation capacity is needed to accommodate rapid uptake of electric vehicles and hybrid heat pumps. Over the period to 2035, up to 35 GW onshore wind, 45 GW offshore wind and 54 GW solar PV could be needed
- The UK's onshore wind, offshore wind and solar PV resource are likely to be more than adequate to deliver an expanded and decarbonised electricity system to 2050

This was followed by Reducing UK emissions - 2020 Progress Report to Parliament (June 2020)

This is the Committee's 2020 report to Parliament, assessing progress in reducing UK emissions over the past year. The report includes new advice to the UK Government on securing a green and resilient recovery following the COVID-19 pandemic. It recommends that

Ministers seize the opportunity to turn the COVID-19 crisis into a defining moment in the fight against climate change. Although a limited number of steps have been taken over the past year to support the transition to a net-zero economy and improve the UK's resilience to the impacts of climate change, the report underlines that much remains to be done. For the first time, the Committee set out its recommendation's government department by government department.

One of the recommendations made to the Department for Business, Energy & Industrial Strategy is to deliver plans to decarbonise the power system to reach an emissions intensity of 50 gCO₂/kWh by 2030, with at least 40 GW of offshore wind and a role for onshore wind and large-scale solar power, with a clear timetable of regular auctions.

The report goes on to state that reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon forms (i.e. electricity, hydrogen, hot water in heat networks) and come from low carbon sources (i.e. renewables and nuclear, plus bioenergy and any fossil fuels being combined with CCS).

The path to achieving net-zero emissions by 2050 will necessarily entail a steeper reduction in emissions over the intervening three decades and to reach the UK's new Net Zero target, emissions will need to fall on average by around 14 MtCO₂e every year, equivalent to 3% of emissions in 2019.

Indeed the UK Government confirmed its intent at the **Conference of Parties (COP26)** held in Glasgow in October-November 2021.

Overarching National Policy Statement for Energy (EN-1)

EN-1 sets out the Government's policy for delivery of major energy infrastructure. Whilst primarily of relevance to NSIPs (i.e. projects over 50MW) it is clearly a material consideration for the proposed development, which is just below the NSIP threshold. EN-1 is the national policy on energy, and it establishes the need for energy related development, with the Government not requiring decision makers to consider need on individual applications because of this. The Proposed Development would help meet this need and, moreover, with the battery storage it will address intermittency and help to relegate the role of fossil fuels as a back-up.

There is considerable support in the **National Planning Policy Framework (revised July 2021)** for renewable energy development of the type proposed in the application and it states:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by **identifying and coordinating the provision of infrastructure**;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity,

using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including **moving to a low carbon economy.**”

Paragraph 155 quotes: ”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.

Section 15 of the NPPF, entitled ‘Conserving and Enhancing the Natural Environment’ states at Paragraph 174 that the planning system should contribute to and enhance the natural and local environment by, amongst other things: “protecting and enhancing valued landscapes”.

Policy guidance in the NPPF very much regards landscape and visual impacts of development as being a material consideration. This is so even in circumstances where the effects of the proposed development will impact on land lying outside nationally designated areas.

In terms of heritage assets, Section 16 of the NPPF deals with ‘Conserving and enhancing the historic environment’. Paragraph 189 of the guidance emphasises that heritage assets are an “irreplaceable resource”, and directs local planning authorities to “conserve them in a manner appropriate to their significance”.

Paragraph 195 in Section 16 exhorts local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, before going on to require consideration of the effect that a proposed development will have upon a heritage asset. In this context, the NPPF makes specific reference to development which affects the setting of heritage assets.

Paragraph 200 also expressly refers to the potential for development to cause harm to the significance of a heritage asset by reason of impact on its setting, stating that: ‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. It concludes by stating that substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional.

Paragraphs 201 and 202 of the NPPF speak of 'substantial harm' and 'less than substantial harm' to the significance of a designated heritage asset and the need to weigh any such harm against the benefits of the proposed development.

Paragraph 203 advises on the effect of an application on non-designated heritage assets, and how the harm is to be balanced against the scale of any harm or loss, and the significance of the asset.

Development Plan Policy

The Local Development Framework Core Strategy was adopted by the Council in July 2011.

CS01 'Spatial Strategy' contains a number of key note development priorities for the Borough, which aims to:

- Facilitate and support the regeneration and development aspirations identified in the Regional Spatial Strategy
- Encourage economic growth and inward investment
- Improve accessibility for all to services: education, employment, health, leisure and housing
- Protect and enhance the heritage, cultural and environmental assets and seek to avoid areas at risk of flooding; and
- Foster sustainable communities with an appropriate range of facilities

CS06 'Development in Rural Areas' sets out a 4 point strategy for rural areas. One of these four points is to 'maintain local character and a high quality environment'. CS06 goes on to elaborate, 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'.

CS08 'Sustainable Development' contains a section on renewable energy, stating that the Council will support and encourage the generation of energy from renewable sources. Schemes will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.

Policy CS12 'Environmental Assets' refers to the Borough's environmental assets as being its green infrastructure, historic environment, landscape character, biodiversity and geodiversity. Proposals to protect and enhance these assets will be 'encouraged and supported'.

The text of CS12 concludes by stating that: "Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character), gaps between settlements, landscape setting, distinctive settlement character, landscape features and ecological networks"

In the interim the National Planning Practice Guidance (NPPG) was released by Central Government in March 2015. This states inter alia:

Particular factors a local planning authority will need to consider include:

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

- Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013
- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- The proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety
- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- The need for, and impact of, security measures such as lights and fencing
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- The energy generating potential, which can vary for a number of reasons including, latitude and aspect

Also in March 2015, part of a Ministerial Statement made by Eric Pickles as Secretary of State for Communities and Local Government stated in relation to solar energy - protecting the local and global environment:

“Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.

We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.”

The **Site Allocations & Development Management Policies Plan** was adopted in September 2016 which supports the presumption in favour of sustainable development (Policy DM1), and Policy DM2 states in countryside development will be restricted unless it is identified as being suitable by virtue of renewable energy generation endorsed by Policy DM20. Policy DM20 states:

Policy DM 20 – Renewable Energy. 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 un-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 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.”

These issues shall be addressed later in this report along with lessons learnt from the Inspector’s decision to allow the nearby 66Ha Rose & Crown Farm solar facility on appeal (appended to this report for ease of reference).

Landscape and Visual Impact

The Landscape Character Assessment, prepared for the Council by Chris Blandford Associates (CBA) in 2007 and used as a supporting document for the Core Strategy, places the application site and surrounding land in the western sector of The Fens - Settled Inland Marshes (D3) Landscape Character Type (LCT).

The Assessment describes the visual character of the D3 LCT as:

“Situated to the north east of Wisbech and bordered by the A47 to the east and south, this very flat and low-lying area has an underlying geology of predominantly mudstone, which is reflected in the extremely fertile soils. The land use is mainly arable with the small generally regular fields often demarcated by dykes and ditches (usually lined with reeds and rushes). Several small bridges crossing the wider drains are distinctive features throughout the area, contributing to sense of place.

A strong sense of tranquillity is apparent throughout the entire area, emphasised by the general lack of development in the area. Settlement pattern consists of the village of Terrington St. John (built character of which consists of a combination of brickwork – red and colourwash, pantiles and slate), scattered (mainly brickwork) houses and large farmsteads with slow-moving tractors a constant feature on the horizon. Set back from the roads and concentrated around settlement edges, the distinct vertical shapes of fruit orchard trees, arranged in neat rows, guide views and provide a strong sense of place.

Views in every direction across the area are dominated by rows of poplars and rows of communication masts slicing through the fields, which (together with the church in West Walton in Area D4) provide the main focal points in this expansive, large-scale area. The combination of differing vertical elements including rows of trees, pylons, orchards, buildings and tall vegetation (occasionally lining the roads), makes for a cluttered skyline in places. A number of straight, fairly busy roads (with settlement concentrated largely linearly along the roads), cut through the area from north to south, connected by several more rural and peaceful roads.

The proposed solar farm site lies on flat fenland to the west of the existing Walpole Substation and east of the River Nene.

The applicant has considered the impact of the proposed development upon landscape character in the submitted Landscape and Visual Impact Assessment (LVIA).

The LVIA separates impacts into 'landscape effects' (effects on the landscape as a resource in its own right) and 'visual effects' (effects on specific views and on the general visual amenity experienced by people).

In terms of the former, the LVIA concludes that the overall landscape value, and landscaping sensitivity, for the site and surrounding area is medium to low. It goes on to state that, at completion of the construction phase, landscape effects arising from the proposed development would be limited to the site itself and the immediate setting of the site, up to approximately 0.5 km to the north, 0.25 km to the east and west, and extending up to around 1 km to the south, but reducing with increasing distance from the site. The panels would be comparable in height to other existing elements in the landscape such as intermittent field boundaries and raised embankments to nearby watercourses, as well as local bungalows, outbuildings and farm buildings. The proposed landscape mitigation planting would help to screen the proposed development from most near and middle-distance views, as well as integrate the development into the surrounding landscape in the medium-to-long-term. The proposed hedgerow and tree planting and landscape management would produce landscape features to provide effective screening towards the proposed development within 15 years (medium-term).

In order to assess the visual effects (including views from residential properties) of the proposal, a 'Zone of Theoretical Visibility' (ZTV) has been produced to accompany the LVIA. ZTVs are computer generated diagrams which illustrate the theoretical visibility of the development throughout a study area. In this instance, the ZTV is based on 3m above existing

ground level – the maximum height of the solar PV panels. Two ZTVs have been prepared for the proposed development: 'bareground' and 'screened'.

The bareground ZTV illustrates theoretical visibility of the development without the benefit of screening afforded by buildings and vegetation and, as such, it represents a 'worst-case scenario'. The 'screened' scenario takes into account features such as woodlands, hedgerows, earthworks, building and other landscape features captured by LIDAR survey.

In summary, the visual assessment shows that the main area of theoretical views lies within 0.5 km to the North and North-east, 0.2 km to the East and West, extending up to 2 km to the South. Immediately to the west of the site, raised embankments associated with the River Nene watercourse limit further visibility from the west.

Gunthorpe Road is raised and restricts views from the north, whilst vegetation and built features would screen and heavily filter views from the nearest settlement at Walpole Marsh to the east. In this very flat, low-lying landscape, which often has wide, distant horizons, low-level development of a horizontal form is absorbed into views, rapidly becoming a background feature of the landscape with increasing distance.

Predicted visual effects upon residents of nearby settlements (high to medium sensitivity receptors) vary from 'small' up to 'medium' upon completion of the development, becoming 'small' or 'negligible' in the medium to long term as a result of the proposed boundary vegetation establishing and softening that edge of the solar array.

With regard to road users (medium to low sensitivity receptors), their appreciation of the landscape is likely to be secondary to the primary purpose of the route, which is to provide local access. The closest roads to the site are Gunthorpe Road (north) and Front Road (Foul Anchor to west of River Nene). A small effect is anticipated for users of the latter, with the effect becoming negligible in the medium to long term. Gunthorpe Road is the closest to the site and where effects of moderate to minor adverse significance are expected in the long term once the proposed landscaping has established.

There are 5 Public Rights of Way (PROWs) identified within the LVIA (Walpole St Peter FP1, FP9 & BR2, Sutton Bridge SuBr/6/3 and Tydd St Giles FP17), the users of which are considered to be of high to medium sensitivity. One PROW crosses the site (Walpole St Peter Footpath 1), whilst the remainder are outside but in close proximity to the site boundaries. Clearly the largest impact can be expected to be on views from that PROW that runs through the site and the LVIA identifies a 'very large' effect. 'Small' up to 'large' effects are anticipated on the other PROWs.

The LVIA has also considered the cumulative effects of the proposed development with three other large-scale solar schemes in the vicinity of the site:

1. No. in South Holland - Sutton Bridge Solar Farm: Permitted and located approximately 0.9 km north of the proposed development (ref: H18-1126-20).
2. No. in King's Lynn and West Norfolk - Walpole Bank Solar Farm: Permitted and located around 0.4 km to the south of the proposed development; and Rose and Crown Farm Solar Farm: Operational and located approximately 2.1 km south of the proposed development site.

The cumulative landscape effects are considered to be moderate-to-minor adverse if all four schemes were to be implemented. Approximately 5% of the Landscape Character Area would contain field-scale solar PV development and the character of the landscape is already influenced by energy infrastructure (the Walpole Bank substation with recent extension

projects, multiple steel lattice pylons, the Tydd St Mary wind farm and the Sutton Bridge power station) and the schemes would increase the influence of energy development on local character. Cumulative visual effects are considered to be minor adverse as any vegetation or landform present in the landscape (e.g. the changes in level at the River Nene flood embankments or at raised roads such as Gunthorpe Road or Mill Road) serves to contain PV development in sub-areas of the landscape so that PV development is not typically a dominant feature in longer views.

In summary, the LVIA concludes that, while some effects would be noticeable in the immediate vicinity of the site, there is capacity for the landscape to accommodate the proposed development without causing landscape or visual harm to the wider surrounding area either as an individual scheme or cumulatively with other similar developments. The landscape and visual effects as assessed would be limited in scale and extent and some effects would reduce over time as the proposed mitigation planting matures. The effects would be wholly reversible with the removal of the proposed development and the reinstatement of present land management. Your Officers agree with this assessment and conclusion.

Taking the above into account, the proposal is considered to be in accordance with Policies CS06 of the Core Strategy and DM20 of the SAMPP.

Site Selection and Loss of Agricultural Land

National Planning Practice Guidance states that where a proposal involves greenfield land, consideration should be given to whether:

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

As part of their submission, the applicant has provided an Agricultural Land Classification document, which sets out the results of a survey that concludes that the entire site is Grade 1 agricultural land. The site is therefore deemed to fall into the category of 'best and most versatile agricultural land'. However, Natural England - who are statutory consultees for non-agricultural development of greater than 20 hectares on grades 1, 2 or 3a agricultural land - have no objections to the proposal. It has been advised that the proposed development is unlikely to lead to its significant long-term loss since the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur.

At Paragraphs 4.3 to 4.10 of the submitted Design and Access Statement, the applicant provides a summary of the considerations which applied in the site selection process. This includes:

- The identification of suitable and a secured grid connection point which has spare capacity to enable a connection to be made and allow the export of renewable energy generated. As short a cable route as possible is required to allow the Proposed Development to be economically viable as well as to minimise energy losses in the cabling which will be wasted ('transmission losses') for sites located further away from the grid connection point.
- The applicant proposes to connect to the transmission rather than distribution network. As such, potential sites are required to be proximate to National Grid substations with spare connection capacity.
- On securing the connection at the National Grid substation, a 5km radius is mapped from the Point of Connection (POC). Within this search area the Applicant considers

environmental and planning constraints, such as landscape designations, sensitive habitats, archaeological and heritage issues.

- They also consider geographical and topographical considerations such as slope and aspect, access etc.

In addition to the above, the following information has been provided:

"While the Agricultural Land Classification was not considered from the earliest stages (not being a statutory designation) it has been considered in the development of the proposals.

No suitable non-agricultural or brownfield sites of the scale required were identified within the buffer area. It is recognised that there is very little low-quality land in the buffer area. Indeed the 1:250,000 scale Natural England ALC maps (Pre-1998 ALC mapping) detail only Grade 1 and a small proportion of Grade 2 land within the 5 km buffer. The information included within the submitted ALC report, shows that both the Borough of King's Lynn and West Norfolk and South Holland District Councils, have a very high proportion of agricultural land in Grade 1, 20.3% and 57.9%, respectively compared with 2.7% in England and for Grade 2 land, 22.2% and 39.8% respectively compared to 14.2% in England. It is not possible to undertake onsite surveys of all approximately 7,800 hectares of land within the 5 km buffer to either confirm the Pre-1998 ALC mapping grade or identify other land at a lower quality, but it is noted (see section 4.3 of the ALC report) that other Post-1988 surveys undertaken have also returned Best and Most Versatile (BMV) Land in the locality. Accordingly, it is considered there is no lower quality (non-BMV) land within the area of search addressing part i of the National Planning Practice Guidance (Paragraph 13).

In addition, the site is capable of remaining in an agricultural use (low intensity sheep grazing) alongside the generation of renewable energy. Therefore, while a change from the current arable farming an agricultural use remains. In many respects, the management of the land under solar PV panels over the operational life of the scheme can improve soil health, such as increasing soil organic matter, and hence soil organic carbon, increasing soil biodiversity, and improving soil structure. This is consistent with aims and objectives for improving soil health in the Government's 25 Year Plan for the Environment. The proposals provide for significant biodiversity improvements and net gains thereby entirely accord with part ii of the National Planning Practice Guidance (Paragraph 13)."

It will be noted from the appeal decision relating to the Rose & Crown Farm solar farm (PINS ref: APP/V2635/W/14/3001281), the Planning Inspector indicated that there were no preferred locations identified in the Local Plan for renewable energy production (and indeed there is none in the upcoming Review); there was little low quality agricultural land in East Anglia and there were practicalities of linking into the National Grid (Paragraph 25 of the appeal decision notice).

He also gave weight to the 'benefits of scale' and that the land would not be totally lost - it would remain in production in terms of commercial sheep flock grazing and the resting of the land and presence of sheep would also enhance the quality of the soil when it returned to arable upon decommissioning (Paragraph 26).

Comparison can be drawn between the two sites/proposals and it is considered that a similar conclusion can be drawn on this particular issue. Whilst the LPA is not tied to that appeal decision on a different site, it is nearby and there are clearly similarities which Members need to be aware of in determining this application.

Heritage Assets

There are no designated heritage assets (listed buildings or scheduled ancient monuments) within the site of the proposed development. The application is however accompanied by a Heritage Statement prepared by Pegasus Group.

It identifies that the closest designated heritage assets to the proposal site are the Grade II Listed County Boundary Post (approx. 365m west – on the other side of river - although this appears to be missing), the Grade II Listed footbridge, road bridge and sluices at Foul Anchor (approx. 385m west) and the Grade II Listed Ingleborough Mill tower (approx. 2km south). The Heritage Statement concludes that the proposed development will result in no harm to the heritage significance of these assets through alteration to setting.

Historic England and NCC Historic Environment Service (HES) has looked at the assessment and does not raise issue with the findings of the assessment and likewise our Conservation Officer, who has also considered the impact upon the towers of Grade I Listed churches of St Peter (Walpole St Peter) and St Mary (West Walton).

There is a theoretical potential for the presence of Iron Age, plus post-medieval, activity within the application site and conditions are suggested by NCC HES with regards to a written scheme of investigation relating to potential archaeological interest within/under the site. These may be condensed into a single condition (as per the Rose & Crown Farm decision) and applied to any permission.

The proposal is considered to have negligible harm to designated heritage assets, indeed any harm would be significantly outweighed by the public benefits offered by this scheme. The proposal therefore accords with the provisions of Paragraphs 201 & 202 of the NPPF and Policy CS12 of the Core Strategy (2011).

Flood Risk and Drainage

As a major development the application is accompanied by a flood risk assessment (FRA) and the site lies within Flood Zone 3A and Tidal Hazard Mapping Zone of the Council-adopted Strategic Flood Risk Assessment. This is 'essential infrastructure' and is suitable development within this zone according to NPPG, subject to passing the exception test.

In order to pass the exception test, it must be demonstrated that the proposed development will:

- Provide wider sustainability benefits to the community that outweigh the flood risk
- The development will be safe throughout its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With respect to the first part of the exception test, the proposed development will provide renewable solar and low carbon energy equivalent to the annual electrical needs of thousands of family homes.

Provision of a source of renewable energy will result in a reduction in carbon emissions meeting local, national and international targets. The site will also deliver biodiversity benefits and soil improvement gains. Therefore, the proposed development will provide sustainability benefits to the community, thereby satisfying the first requirement of the exception test.

In terms of the second part of the test, it will not increase flood risk elsewhere (see responses of the Environment Agency and Lead Local Flood Authority) and the raising of key

infrastructure/components, and monitoring/alerts of flood warnings, should ensure that the development is safe for its 35 year lifetime.

The Environment Agency has no objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment. However, the mammal gates, as well as some of the hedging, that were previously proposed on the western boundary have been removed in response to the Agency's concerns about their position next to the flood defence.

In terms of surface water drainage, the proposal is to discharge into the IDB watercourse along the eastern boundary as soakaway testing found unfavourable conditions for infiltration. Water Management Alliance (IDB) has no objection to this in principle and the Lead Local Flood Authority have raised no drainage concerns. A condition is recommended requiring the submission of a full drainage strategy if permission were to be granted.

It is therefore concluded that both parts of the exception test are passed in accordance with Paragraph 165 of the NPPF.

Ecology

The application is accompanied by the following supporting documents relating to ecological impacts:

Ecological Impact Assessment; Landscape and Ecological Enhancement Plan; Landscape and Ecological Management Plan; and Biodiversity Net Gain Assessment.

The site is agricultural land and as arable fields has very low ecological value. It is not the subject of any international, national or local nature conservation designation. The site is in close proximity to the River Nene and North Level Main Drain at Tydd Gote County Wildlife Site, Nene Bank Road Verges and Tydd Gote Bank Local Wildlife Sites as well as the Nene Banks Regional Natural Reserve, however any impact is expected to be negligible.

The proposed landscaping and species-specific measures have been designed to enhance the biodiversity of the site and includes:

- The majority of the site beneath the solar arrays will be planted with an appropriate pasture mix, including additional wildflower species and red clover to attract invertebrates, in particular bees. This will be managed through low intensity grazing to promote biodiversity
- Planting of additional areas of wildflower planting around the site boundaries to further increase plant species diversity and attract invertebrates, in turn providing foraging opportunities for bats and birds
- A native hedgerow will be planted along the northern edge of the site, managed to a height of approximately 4 m, which will increase structural diversity and provide increased connectivity along this boundary. It will also provide foraging and nesting opportunities for birds, small mammals and increased invertebrate prey for foraging bats. This has been further enhanced by additional hedges across the centre of the site
- Native scrub planting will be undertaken along the south-eastern site boundary to fill gaps within the existing vegetation and strengthen this corridor
- A barn owl box is to be installed on a suitable tree along the south-eastern site boundary. This will provide valuable nesting opportunities for this species which is known to occur

within the local area, and which is both listed on Schedule 1 of the WCA (1981, as amended) and is a priority species on the Norfolk BAP

- Five tree sparrow boxes will be installed on trees along the south-eastern site boundary in order to provide valuable nesting provision for this species which is listed on the Norfolk BAP
- Ten bat boxes will be installed on trees at the south-eastern site boundary to enhance roosting potential
- Creation of three habitat/log piles around the edges of site.

The National Planning Policy Framework (2021) advocates the provision of net gain for biodiversity. The submitted Biodiversity Metric Assessment indicates that the development will result in a 67.64% net gain in habitat biodiversity at the site as well as a 916.37% net gain in linear units (hedgerows) as a result, including species-rich wildflower grassland, native species hedging and native trees. There is now some 3.2km of new hedging proposed to be planted. The net gain that will be delivered by the development will therefore be substantial and may be secured via condition.

Neither Natural England nor Lincolnshire Wildlife Trust (the latter in response to application ref: H18-0741-21) have raised any objections to the proposal and are supportive of the mitigation measures proposed with regard to biodiversity. Those mitigation measures may be controlled via condition.

The proposal therefore accords with Policy CS12 of the Development Plan.

Access and Highway Matters

The proposal is for the site to be accessed via an improved existing agricultural access point off Gunthorpe Road.

Construction of the development is expected to occur over a 7-month period with approx. 8 HGVs and up to 5 LGVs accessing the site per day. Decommissioning is expected to result in the same number of vehicle movements.

The designated access route requires all construction vehicles to access the site via the A17 junction with King John Bank. From here, vehicles will travel southwards along King John Bank and turn right into Gunthorpe Road. When departing the site, construction vehicles will use the same roads to access the A17.

Despite concerns being raised by residents about the adequacy of these roads for use by the types of vehicles that would be required for the construction and decommissioning phases, both Local Highway Authorities (Norfolk CC and Lincolnshire CC) have no objections to the proposal, subject to the existing access and the north-eastern side of the King John Bank/Gunthorpe Road crossroads being widened to accommodate HGV movements without encroaching on to Highway verges.

During the operational phase, vehicle movements will be minimal (twice per month) and for activities associated with inspection, monitoring and general site up-keep. Additional traffic associated with the sheep farming is to be expected but this will be minimal.

The site is bisected by Walpole St Peter FP1 PROW which aligns east-west across the middle of the overall site and alongside the County boundary. It is not currently well defined or well-trod, as walkers appear to prefer using the existing concrete road which runs along the south-

eastern boundary; however the route is proposed to be maintained and enclosed by new hedging to afford long-term screening and ecological benefits.

The Landscape & Ecology Management Plan shows the route maintained in an 8-10m wide strip with hedging either side grown up to 3m high, with maintenance strip and perimeter deer fencing beyond.

Norfolk CC PROW Officer is content with this arrangement and it is intended that the route will be accessible during both construction and decommissioning stages.

The proposal therefore accords with the provisions of Policies CS11 and DM15 of the Development Plan.

Residential Amenity

The closest residential property is approximately 70m away from the site boundary, sitting behind frontage development in Walpole Marsh to the east/south-east. The properties on Gunthorpe Road to the north are approximately 135m from the boundary of the main body of the site. Dwellings to the west are a minimum of 145m away at the closest point, but beyond the River Nene. There are no dwellings in close proximity to the south.

Solar development does not typically generate a significant amount of noise or vibration outside of the construction period. The only component of the development which has the potential to give rise to noise impacts on receptors during the operational period, is the substation and battery storage facility, which will be located in excess of 600m from the nearest dwelling. Likewise, traffic levels generated by the development will be minimal outside of the construction and decommissioning phases.

No adverse fumes, odour impacts or broadcast interference are anticipated to be generated by a proposal of this nature.

There are no rights to a private view, and the landscaping would ameliorate the development in this setting as covered earlier in this report.

A Noise Impact Assessment has been produced to accompany the planning application. This Assessment has been informed by an environmental noise survey (inclusive of weekend noise conditions) at the closest residential receptors to the site on Gunthorpe Road and at Walpole Marsh. Sound power levels associated with the generating station were provided by the Applicant, including those associated with the motors powering the panel tracking technology. The assessment has been carried out in accordance with the relevant British Standard and supplementary acoustic guidance.

It concludes that the proposed development would generate noise levels typically below the measured day and night-time background sound levels in the area, thus giving rise to a Low Impact. The amenity of the closest residential receptors would therefore not be affected by noise arising from the proposed facility whilst in operation.

CSNN have reviewed the submission and raise no objection subject to condition.

The site will not be manned yet secured by CCTV, which is infra-red and therefore there would be no light pollution created by this proposal. This may also be secured via condition.

The proposal therefore accords with the provisions of the NPPF and Policies DM15 and DM20 of the SADMPP.

Impact of Glint and Glare

The applicant has submitted a Solar Photovoltaic Glint and Glare study to show the possible effects of glint and glare from the development. This concludes that only a low impact is predicted on road users in the area and, although solar reflections are geometrically possible towards 17 out of the 20 assessed dwellings, solar reflections are not predicted to be experienced in practice at 16 of these dwellings as they will be significantly screened by intervening terrain, surrounding buildings, existing vegetation and/or proposed vegetation. A moderate impact is predicted on one dwelling in Foul Anchor, however, this is not deemed to be significant because most of the reflecting panels will be screened by existing vegetation, and the reflections will only be possible for up to approximately one minute per day. Mitigation is therefore not considered to be required; however should an issue arise it may be dealt with via condition as agreed with the applicants.

Furthermore, the panels are designed to maximise their energy generating potential and thus sunlight absorbency and, in reality, their reflective capability would be similar to that of still water (and significantly less intense than many other reflective surfaces which are common in an outdoor environment).

Neither the Highway Authority nor CSNN have objected to the proposal on the grounds of highway safety or impact on residents from glint and glare.

Norwich Airport and Defence Infrastructure Organisation (DIO) Safeguarding Team also confirm that there are no safeguarding issues relating to air traffic.

Taking the above into account, the proposal is considered to be in accordance with Policies DM15 and DM20 of the SADMPP.

Other Material Considerations

Environmental Impact Assessment screening

The proposal was screened by both LPAs prior to the application being submitted, in accordance with Regulation 7 of the EIA Regulations 2017. It was concluded that an Environmental Statement was not required. KLWNBC issued its EIA Screening Opinion on 21 May 2021 and SHDC on 27 April 2021.

Grid Connection

The electricity lines on-site will be underground and connected to the grid via the adjoining Walpole Substation. One of the main advantages of the siting of the solar array is its proximity to the existing infrastructure.

Impact on infrastructure

There are overhead power cables crossing parts of the site. National Grid raise no objection to the proposal but any works under overhead lines will require liaison, and the applicants are fully aware of these measures.

Decommissioning

The solar farm is to be a temporary, medium term use of the site, with an operational life of some 35 years (which is the current requirement given technological advances and longevity of the units). At the end of this period, all equipment is proposed to be removed from the site and remediation works undertaken to revert it back to its former state. The land would be

restored to agriculture. Once again this may be controlled via condition and would be the responsibility of the operator or owner.

Crime and Disorder

As stated above, the site would not be manned but covered by CCTV and infra-red lighting. There are no significant implications regarding Crime and Disorder issues.

Comments in response to third party objections

Most of the issues raised by third parties have been addressed above in the report, however the following comments are made:

- Although a non-material planning consideration, the applicant is developing a Community Benefit Fund and/or Community Benefit Scheme(s). This is separate to the planning application process
- The impact of proposed development upon property value (either up or down) is not a material planning consideration
- Any damage caused to drains or property by vehicles accessing the site would be a civil matter and not one which the Local Planning Authority can address
- There is no legal obligation for residents to be compensated for development permitted by a Local Planning Authority
- A notice was posted by the applicant in a local newspaper to address the matter of correct notice being served
- Concern has been raised regarding the potential for the proposed boundary hedging to have an impact on the growth of crops on adjoining land. The new hedgerows are to be managed at either 3 or 4m in height. Given that crops are most likely to be grown at the time of year when the sun will be higher in the sky, it is not considered that hedges of this height would materially impact the ability to grow crops. There is also usually a headland rather than planting crops right up to field boundaries to allow machinery access.

CONCLUSION

The proposed development would produce a peak output of 49.9MW of energy from renewable sources – enough to meet the annual needs of approx. 10,150 average homes.

It is clear that most recent national policy/guidance supports the principle of solar farms which would contribute towards achieving national renewable energy targets.

The application site is not in or adjacent to any nationally designated landscape areas. It would have little impact upon the local landscape character, but this would be for a temporary period of 35 years and would not affect any existing features such as hedgerows or trees that currently contribute to the quality of the landscape.

While some effects would be noticeable in the immediate vicinity of the site, there is capacity for the landscape to accommodate the proposed development without causing landscape or visual harm to the wider surrounding area either as an individual scheme or cumulatively with other similar developments. The landscape and visual effects as assessed would be limited in scale and extent and some effects would reduce over time as the proposed mitigation

planting matures. The effects would be wholly reversible and once decommissioned, the land could revert back to agricultural use very quickly.

The impact upon the setting of heritage assets has been assessed and considered to be acceptable. A scheme of archaeological investigation may be controlled via condition.

The site is of relatively low value ecologically and protected species avoidance measures during the development phase can be addressed by condition. The landscaping scheme will significantly enhance biodiversity locally and may also be secured via condition.

Traffic generation, apart from the construction and decommissioning periods, will be light. The existing farm access is proposed to be used and improved for the construction phase, together with localised improvement works around the junction of Gunthorpe Road/King John Bank.

Central Government indicates that lower grade land should normally be used to take this form of development, and this has to be weighed in the balance. Officers consider that the benefits associated with this proposed development, significantly outweighs the negative effects upon loss of Grade 1 agricultural land which are indeed relatively temporary and reversible. The land would also not be totally lost to agricultural production due to the sheep grazing regime (again to be controlled via condition) and the associated benefits to ecology and quality/fertility of the land having been effectively set aside from intensive arable farming for the period of the proposed use.

The proposed development would indeed contribute towards achieving the UK's ambitious target to reduce greenhouse gas emissions to "net zero" by 2050.

In light of the above considerations, full permission is therefore recommended, subject to the conditions specified 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 plan: Site Location Plan – 003
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the details submitted with this application, prior to the commencement of the development hereby approved, full details of the PV panels, mounting frames (and fixings/motors), external appearance of the inverter/transformer stations, main substation, weather station, control room and battery storage containers, storage container, auxiliary transformer, the boundary fencing, gates, and locations and design of any CCTV cameras proposed shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be constructed, operated and retained in accordance with the approved details.

- 3 Reason: To define the terms of this permission and to enable the Local Planning Authority to consider such details, in the interests of the visual amenity of the locality and to accord with the provisions of the NPPF, Policy CS06 of the LDF and Policy DM20 of the SADMPP.
- 4 Condition: The permission hereby granted is for the proposed development to be retained for a period of not more than 35 years from the date that electricity from the development is first supplied to the grid (the First Export Date), this date to be notified in writing to the Local Planning Authority. No later than 6 months after the 35-year period, all related structures shall be removed and the site restored in accordance with a restoration scheme which has been submitted to, and agreed 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 and shall make provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures, storage facilities and fencing. The Local Planning Authority must be notified of the cessation of electricity generation and storage in writing no later than 5 working days after the event.
- 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: If the development hereby permitted fails for a period of 12 months to produce and store electricity for supply to the electricity grid network, then, unless otherwise agreed in writing with the Local Planning Authority, the solar panels, battery storage facilities and related ancillary equipment 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 scheme shall make provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter/transformer stations, main substation, weather station, control room and all associated structures, containers, storage facilities, CCTV cameras and fencing. The land shall be reinstated in accordance with the scheme within a period of 6 months after the end of the 12-month period.
- 5 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.
- 6 Condition: The development shall be carried out in accordance with the landscaping scheme illustrated on the approved Landscape and Ecological Enhancement Plan (Dwg no: 1284/10 - Revision E). The planting 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 that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF and Policies CS06 & CS12 of the Core Strategy.
- 7 Condition: The development shall be undertaken in accordance with the Landscape & Ecological Management Plan (LEMP) – Document ref: 21-0256.01 prepared by Delta

Simons dated February 2022 and submitted as part of this application, unless otherwise agreed in writing by the Local Planning Authority.

- 7 Reason: In order to manage the site in the interests of ecology and to accord with the provisions of the NPPF and Policy CS12 of the Core Strategy.
- 8 Condition: No development shall take place until a Written Scheme of Investigation and timetable for a programme and reporting of archaeological works has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme and timetable.
- 8 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.
- 9 Condition: Notwithstanding the submitted details, prior to the commencement of any works a Construction Traffic Management Plan and Method Statement shall have been submitted to, and approved in writing by, the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Traffic Management Plan and Method Statement shall include:
 - phasing of the development to include access construction
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel washing facilities
 - the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material
 - strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction
- The Construction Traffic Management Plan and Method Statement shall be strictly adhered to throughout the construction period.
- 9 Reason: In the interests of maintaining highway efficiency and safety plus local amenity in accordance with the provisions of the NPPF, Policy CS11 of the Core Strategy and Policy DM15 of the SADMPP. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development in relation to the highway network and also amenity of local residents.
- 10 Condition: For the duration of the construction and decommissioning periods, construction/deconstruction activities and deliveries received at or despatched from the site, shall only occur between the hours of 0800 and 1800 hours Monday to Friday, 0800 and 1330 hours on Saturday and not at all on Sundays and Bank Holidays other than with the prior written approval of the Local Planning Authority.
- 10 Reason: In the interests of the amenities of the locality, and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.

- 11 Condition: Notwithstanding the submitted details, the development hereby permitted shall be undertaken in accordance with a surface water drainage scheme, which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall not become operational until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

- 11 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.
- 12 Condition: No development shall take place until a Solar Farm Grazing Management Plan (SFGMP) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall describe the methods by which grazing will be maintained by sheep throughout the period during which the development is operational. If for any reason grazing by sheep fails to occur for a period of more than 12 months the, unless otherwise agreed in writing by the Local Planning Authority, the solar panels, battery storage facilities and the related ancillary equipment shall be decommissioned and removed from the site in accordance with condition 5 above.
- 12 Reason: To define the terms of this permission and to secure the management of the site and retain its agricultural use in accordance with the provisions of the NPPF.
- 13 Condition: Details of the external illumination of all buildings and areas of the site, including details of luminance and fields of illumination, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.
- 13 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 14 Condition: Noise from fixed plant and machinery shall not exceed a level of 5 dB(A) above the background noise level when measured as a L(A)eq15min at any residential boundary not within the applicant's ownership.

- 14 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 and Policy DM15 of the SADMPP.
- 15 Condition: The height of any of the solar panels shall not exceed a height of 3.0 metres above existing ground level.
- 15 Reason: To define the terms of this permission in the interests of visual amenity and to accord with the provisions of the NPPF and Policy CS06 of the Core Strategy.
- 16 Condition: The development hereby permitted shall be implemented in accordance with the flood risk mitigation recommendations contained in the Flood Risk Assessment & Outline Surface Water Drainage Strategy (Document ref: FRA-JBAU-XX-XX-RP-HM-0001-S3-P03-Flood_Risk_Assessment.docx) produced by JBA Consulting dated October 2021.
- 16 Reason: In order to safeguard the development at times of high risk of flooding and to accord with the provisions of the NPPF and Policy CS08 of the Core Strategy.
- 17 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 (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the LPA, 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.

- 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.
- 18 Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no buildings, structures, fences, gates, posts, solar panels, hardstandings, footings, platforms, pavements, bunding, earthworks or other engineering operations shall be constructed, installed or carried out on site other than in accordance with the approved details of this planning permission.
- 18 Reason: To protect the character of the countryside and the visual amenities of the locality and also to retain the value of the land for agriculture and wildlife, as the site is located in an area of open countryside where development other than agriculture is only permitted by exception and to accord with Policy CS06 of the Development Plan.
- 19 Condition: Within 28 days from the receipt of a written request from the Local Planning Authority following a complaint to it concerning glint/glare, the solar farm operator shall submit details of proposed mitigation measures and timescale for their implementation. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority. The proposed mitigation measures shall be carried out in accordance with the approved details.

- 19 Reason: To safeguard the amenities of local residents and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP.
- 20 Condition: All cabling (with the exception of that connecting between solar arrays) shall be installed underground.
- 20 Reason: To protect the character of the countryside and the visual amenities of the locality, and to accord with Policy CS06 of the Development Plan.
- 21 Condition: Where trees are shown on dwg. no. 1284/10 Rev E to be retained they shall be protected during construction work as follows:
- i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made
 - ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained
 - iii) no services shall be routed under the spread of the crowns of the trees to be retained
 - iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority
 - v) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.
- 21 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF and Policy CS12 of the Development Plan.
- 22 Condition: Prior to the commencement of construction of the development, the existing access onto Gunthorpe Road shall be widened and all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays as illustrated on Drawing number SK01 Rev D, and thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height.
- 22 Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the provisions of the NPPF and Policies CS11 & DM15 of the Development Plan.
- 23 Condition: No part of the development hereby permitted shall commence before the works to improve the public highway by means of carriageway junction widening at the crossroads of King John Bank/Marsh Road/Gunthorpe Road in accordance with the details as shown on Drawing number SP01 Rev E have been certified complete by the Local Planning Authority.
- 23 Reason: To ensure the provision of safe and adequate means of access to the permitted development and to accord with the provisions of the NPPF and Policies CS11 & DM15 of the Development Plan.



Appeal Decision

Hearing and site visit held on 14 July 2015

by Paul K Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2015

Appeal Ref: APP/V2635/W/14/3001281

Land at Rose and Crown Farm, Mill Road, Walpole St Andrew, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Elgin Energy Esco Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 14/00283/FM, dated 24 February 2014, was refused by notice dated 12 June 2014.
 - The development proposed is erection of a 30MW solar photovoltaic facility with associated landscaping and construction of temporary access.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a 30MW solar photovoltaic facility with associated landscaping and construction of temporary access on land at land at Rose and Crown Farm, Mill Road, Walpole St Andrew, Norfolk in accordance with the terms of the application, Ref 14/00283/FM, dated 24 February 2014, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are as follows:
 - The effect on best and most versatile agricultural land (BMV); and
 - Whether any harm caused is outweighed by the production of renewable energy.

Reasons

The site and surroundings

3. The appeal site consists of 66 hectares (ha) of flat arable land set at a level of approximately 2-3 metres below Mill Road, which is a former coastal dyke. It lies approximately halfway between the villages of West Walton to the south west and Walpole St Peter and Walpole St Andrew to the north east. Beyond the site boundary is further agricultural land and several hundred metres away are a small number of residential dwellings and farm buildings which address Mill Road to the north and west, Folgate Lane and Walpole Bank to the north and West Drove North to the east. The majority of dwellings benefit from thick and mature hedgerow screening. The land is currently used for arable crops including wheat, rapeseed and barley and is classified as having a grade 2 agricultural land quality. Ditches separate the fields. In the centre of the site

there are two sets of overhead power lines on pylons running across the site in a north-south direction. A subterranean high pressure gas pipe also runs in an east-west direction across the northern half of the site. Electricity infrastructure is a predominant feature of the surrounding landscape and includes a prominent large switching station to the north west.

4. The towers of the churches of St Mary in West Walton and St Peter in Walpole St Peter are visible in long distance views from within the site above trees but the site itself is not visible from within the churchyards.
5. The development would produce a maximum of 27 750 000 kilowatt hours, equivalent to the electricity supply for 7000 homes. Solar panels would be positioned in rows between 3 and 6m apart and up to 2.8m high, screened by new planting and existing hedges. At the Inquiry, the appellant confirmed that if fewer panels are necessary to achieve the desired output and approved grid supply, fewer would be installed at the southern end of the development. Deer fencing and CCTV would be installed on the boundaries where biodiversity enhancements and hedgerow improvements are proposed as screening.

Policy background

6. The development plan consists of saved policies of the King's Lynn and West Norfolk Borough Council Local Plan of 1998 (reviewed by the Secretary of State in 2007)(LP) and the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy (CS) adopted in July 2011. There are no policies of the LP that are relevant to renewable energy. Policy CS06 states that within the countryside, the Council will seek to protect its character and resist the development of 'greenfield' sites unless the proposal is for essential agricultural or forestry needs. It goes on to state that 'farm diversification schemes' are supported subject to meeting the following criteria:
 - It meets sustainable development objectives and helps to sustain agricultural enterprise;
 - Is consistent in its scale within its rural location;
 - Is beneficial to local economic and social needs;
 - Does not adversely affect the building and the surrounding area or detract from residential amenity.
7. The supporting text to area-wide policies in section 7 says that to help meet Government targets, renewable energy will need to be considered. *'There are many different types of renewable energy choices, from solar energy, wind and biomass through to energy efficient installations such as combined heat and power and ground source heating. All of these technologies and methods of construction have a role to play in meeting Government targets and were seen as positive outcomes for the borough ...'* In a section titled 'Renewable Energy' policy CS08 says that 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.
8. The extant policies of the LP are being reviewed through the preparation of a 'Site Allocations and Development Management Policies' Document. A version of this document was reviewed by the Council in November 2014 and has been

subjected to examination in public. Emerging policy DM20 relates to renewable energy generation and states that proposals for renewable energy 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. There were objections to emerging policy DM20 and as a result, currently, despite it having progressed through consultation and examination in public, it can only attract very limited weight.

9. National policy as a whole supports and encourages the development of renewable energy sources. As a result of EU Directive 2009/28/EC, the UK is committed to a legally binding target to achieve 15% of all energy generated from renewable resources, including electricity, heat and transport, by 2020. The 2006 Energy Review has an aspiration that 20% of electricity is to be from renewable resources by 2020. The overarching strategy to reduce carbon emissions to meet the requirements of the Directive and the Climate Change Act is contained in the UK Renewable Energy Strategy and the UK Low Carbon Transition Plan; the lead scenario is that 30% of electricity is to be derived from renewable resources by 2020, though this is not binding. The UK Renewable Energy Roadmap (the Roadmap) was first published in 2011 and an update published in December 2012 confirms PV as a key technology.
10. The Government's solar PV strategy was published in 2014. The aim is to create more financial certainty and investor confidence in order to realise the long term potential for solar PV in the UK at a large and small scale. There is no cap on capacity. New proposals are needed to meet the 2020 ambition and longer term decarbonisation. It is the Government's ambition to see "more ambitious deployment, perhaps approaching 20 GW early in the next decade". The past four years has seen a growth in the delivery of such facilities and their associated energy production capacity, but as at June 2013, the capacity of PV was 2.4 GW, forecast to reach 10 GW by 2020.
11. Paragraphs 64-66 identify that whilst large scale facilities provide an opportunity for greater energy production (as well as potential enhancement to biodiversity), it is also of importance that they are carefully planned and screened to ensure any amenity and visual impacts are minimised. The document records that members of the Solar Trade Association will comply with best practice guidance, the first aim of which is to focus on non-agricultural land or land which is of lower agricultural quality. Paragraph 67 says *'These best practice initiatives are important as they help address the perception that solar farms are diverting significant amounts of land from agricultural use and domestic food production. This, alongside the effects on the landscape and communities of the rapid growth in the deployment of large-scale solar PV installations, might erode public support for the sector overall'*.
12. The National Planning Policy Framework (NPPF) of 2012 says at paragraph 98 that applicants for energy development should not have to demonstrate the overall need for renewable or low carbon energy. Applications should be approved if their impacts are (or can be made) acceptable. Local authorities (or decision makers) should follow the approach set out in the National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3), read with the Overarching NPS for Energy (EN-1), both dated 2011. Paragraph 14 of the NPPF says a presumption in favour of sustainable development lies at the heart

of the NPPF. Paragraph 17 specifically supports the transition to a low carbon future in a changing climate and encourages the use of renewable resources.

13. The advice needs to be read as a whole. Particularly relevant is paragraph 5.9.18 of EN-1 which advises that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed areas and that a judgement has to be made on whether the visual effects on sensitive receptors, such as local residents and visitors to the area, outweigh the benefits of the project.
14. The delivery of renewable energy developments is discussed at paragraphs 97-98 of the NPPF. Paragraph 97 states that in order to help increase the use and supply of renewable and low carbon energy, local planning authorities should have a positive strategy to promote both the use and supply of renewable energy. With regard to the development of agricultural land, paragraph 28 states that local plans should seek to promote a strong rural economy by supporting the growth and expansion of all types of businesses and enterprise in the rural area and promoting the development and diversification of agricultural and other land-based rural businesses. Paragraph 112 states that "Local planning authorities should take into account the economic and other benefits of BMV agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".
15. In identifying the particular planning considerations that relate to large scale ground-mounted PV development, planning policy guidance (PPG) advises that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include (as relevant to this scheme):
 - Encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
 - Where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. The guidance makes specific reference to a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013, in which the Minister encourages development on brownfield land, low grade agricultural land and on buildings; and to a Written Statement to Parliament in March 2015. The guidance notes:
 - That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - The proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
 - The need for, and impact of, security measures such as lights and fencing;

- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
 - The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - The energy generating potential, which can vary for a number of reasons including latitude and aspect.
16. The guidance also advises that the approach to assessing the cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.
17. The planning guidance also states in relation to all renewable energy development that: the need for renewable or low carbon energy does not automatically override environmental protections; cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases; local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas; and great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
18. The Written Statement to Parliament in March 2015 sets out the Government's most recent aims on solar energy development amongst other streamlining objectives. The Secretary of State said amongst other things: *'We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.'*
19. In accordance with the duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard needs to be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess.

The effect on best and most versatile agricultural land

20. The whole of the proposed solar development would be on land which falls within Agricultural Land Classification (ALC) level 2. This is well within the category of 'best and most versatile agricultural land' as defined in the NPPF at Annex 2 and is only one level below the highest category. There is no dispute that it is productive and profitable and provides a good yield of rape, barley and wheat on a rotating basis, varying with weather and market conditions. The yield is shown to be above average for the UK but marginally below that for East Anglia.
21. There is no prohibition on the use of any particular grade of agricultural land or BMV land for solar panels. The test, as set out in the Minister's Statement in March 2015, is to provide 'the most compelling evidence' that use of BMV land is necessary and that poorer quality land is not available in each case. At Rose and Crown Farm, the appellants have provided a sequential analysis which shows that there are severe grid restrictions in the wider area¹ for a development of the size proposed, which is the developer's preferred model. Any scheme that the appellant company promotes would require a 33kv distribution cable within a certain distance. At the Inquiry, it was explained that the network is working at maximum capacity in terms of new generation equipment; and grid availability for any particular size of renewable electricity scheme varies every day. Applicants are placed in an interactive queue, their progress depending on gradual upgrading of the network and whether previously approved schemes get planning permission. In considering the viability of any proposal, regard must be had to the distance to the grid connection point, as the cost of the connecting cable relative to the power generated is a significant constraint.
22. An Eastern Power Networks generation capacity map dated 19 March 2014 was supplied at the Inquiry which shows a very large part of northern East Anglia highly utilised. Updated maps are available online². The latest published map dated 5 December 2014 shows the same restrained situation with some relaxation around Norwich. However, there is no information before me on what schemes are already approved, what quantity of new generation is already proposed or where any schemes are located. Without this information, it is difficult to assess whether the appeal proposal is sequentially preferable. The appellant identifies Grade 3a, 3b and 4 land and potentially developable sites, that is brownfield, non-agricultural land, and land with ALC grade 4 (grade 5 is not present). The fact that none of these can accommodate a 30MW proposal is hardly surprising, given the network constraint criteria imposed in the analysis. The potential for smaller schemes is unknown beyond the general capacity restraints. It remains unclear what potential there is for PV schemes which may only need grid capacity at the 11 kilovolt level or less.
23. In response to the suggestion that smaller potential sites should have been included, legal argument is put forward to the effect that any sequential test should compare like with like, similar to the test that might be used in connection with retail use or areas subject to flood risk. The situation is not the same; the market for energy is not the main concern. What is important is how national renewable energy targets are to be met whilst taking into account environmental restraints and land productivity. Whilst a sequential site

¹ Sequential test overview map Figure 1 dated 19/11/2014

² Doc 9. At <http://www.ukpowernetworks.co.uk/internet/en/connections/documents/HQ-2000-4702-M.141205.pdf>

analysis that took account of potential availability of all schemes of all sizes on preferable, lower quality land might be feasible for the local authority or a group of local authorities, no such work has been done; and it would not be able to take account of the grid connection limitations. On this point, there is not (as yet) any guidance on preferable locations for renewable energy schemes in any King's Lynn and West Norfolk document brought to my attention.

24. In any case, there are no recommendations as to how a sequential test should be carried out in these circumstances and policy does not require one as such, only most compelling evidence. Bearing this in mind, it is unhelpful that the Council was unable to provide any collated information on PV renewable energy capacity or progress with the supply of renewable energy as a whole in the Borough, only a list of approved PV applications and those currently in planning³. Some of these may not have been implemented for other reasons and some may not have obtained a grid connection. As a consequence, I am unable to assess the methods or the extent to which solar energy is being harnessed in King's Lynn and West Norfolk.
25. It is a noticeable feature of land in this part of East Anglia that there is almost no grade 4 land and very little grade 3 (no distinction is made between 3a and 3b, only 3a being BMV). Given the practical need to limit the distance between generation capacity and the grid, the availability of poorer quality land suitable for PV, which the Government sees as an important part of the overall renewable energy mix, must be extremely constrained.
26. I give weight to the benefits of scale in this case, where a grid connection is assured and the generation capacity significant. Moreover, the Council has no objection on landscape, visual amenity, noise, heritage, highway safety, ecological or tourism grounds. The land would continue to be used for grazing sheep, which would be ensured by a solar farm grazing methodology statement, which could be put in place by means of a condition. Sheep grazing is an accepted method of managing grass under solar panels and is already a feature of the landholder's operations, supporting a local butchering business in Upwell. The Council does not question the value of sheepmeat to the economy or the assertion that much lamb is currently imported, nor the fact that the UK currently produces more wheat than it needs⁴. I conclude that this high quality land would not be lost to agriculture. Moreover, after 25 years, the land would be restored to arable use, most likely in a better condition than the intensive use it is currently put to.
27. There are also particular chemical characteristics that pertain to the soil on the east side of the Mill Road Dyke, for many years known locally as 'The Salts' that mean high value crops such as potatoes or cauliflowers cannot be economically grown, unlike many other areas categorised at ALC grade 2. This was evident at the site visit. It was also apparent that the level of biodiversity in this intensive arable area is limited. The proposed scheme would bring about biodiversity improvements due to the margins around the panels being planted with a wildflower mix and the addition of screening hedgerows incorporating local species.

³ Doc 5

⁴ Having regard to cereal supply and demand balance sheets in the Agricultural and Land Use Statement dated December 2014, provided by the Agriculture and Horticulture Development Board

28. Taking all these factors into account, I consider that there is a case for using this particular area of BMV land for solar energy development. A grid connection is available and the site is ready and available now.

Other matters

29. The site is within sight of Grade I listed church towers at West Walton and Walpole St Peter, and limited views are available of Ingleborough Mill tower, listed at Grade II. These towers are well beyond a distance at which the site could be considered to make a significant contribution to their settings. Existing tall electricity infrastructure also substantially affects the quality of the surrounding landscape.

30. I have had regard to all the other matters raised, including written representations made by local occupiers and a petition submitted on the day of the Hearing. The concerns of local residents are understood, but the scheme would be screened by new and infill planting and would be very difficult to see from any local dwellings or from local roads. Its zone of visual influence would be very limited. It would be seen at close quarters through gaps in surrounding vegetation from some local rights of way, but would not prevent appreciation of the quality of the landscape as a whole, which is of significant scale.

Whether any harm caused is outweighed by the production of renewable energy

31. The production of at least 27.75 MW of renewable energy is a very significant factor in favour, along with the associated reduction in carbon dioxide emissions and the contribution that would be made to addressing climate change. The Council referred to a noticeable drop off in solar applications since 2013, the reason for which is unknown. This proposal will lead to a significant and useful increase in solar PV in King's Lynn and West Norfolk, substantially aiding the Council in its aim to support and encourage the generation of energy from renewable sources, which all communities have a responsibility to contribute to. The removal of arable production on BMV land is a factor against the scheme, but this is more than compensated for by the use of the grass between the panels for the raising and fattening of sheep together with the production of electrical energy. The scheme would add a new income stream to the land holding, in line with the diversification objectives of policy CS06. The return of the land to arable production after 25 years means that it is not taken out of production for cereals in the long term.

32. The lack of any appreciable harm in respect of any other planning issue contributes to my conclusion that overall, there is a most compelling argument in favour of granting planning permission. The proposal would conform to the aims of CS policies including CS08; national policy; and the advice in PPG.

Conditions

33. The proposed conditions have been considered in the light of the planning guidance and the model conditions in the Appendix to Circular 11/95 *The Use of Conditions in Planning Permissions*. Conditions are necessary to control the period of the permission and to ensure decommissioning takes place; and to ensure that in the event of the panels failing to supply electricity to the grid for more than 12 months, the development is removed. It is necessary that the development is carried out in accordance with the approved plan, for the

avoidance of doubt and in the interests of proper planning. In the interests of the character and appearance of the area, the external details of inverter housings, the transformer, fencing and any security measures need to be approved prior to commencement. There is a likelihood that interesting archaeological features associated with a pre-drainage village settlement are present and a condition is imposed requiring a scheme to ensure these are properly recorded if disturbance occurs.

34. A Landscape and Ecological Management Plan (LEMP) is necessary to address landscape and biodiversity protection and enhancement during the construction, operational and restoration periods. No permanent external lighting is a requirement to preserve the dark skies typical of this rural environment. Full details of the proposed landscaping and planting are necessary together with measures to protect existing vegetation and ensure that planting becomes properly established.
35. The use of the land for sheep rearing and fattening needs to be assured and a condition requires the approval of a Solar Farm Grazing Management Plan (SFGMP).
36. Construction traffic involved in the construction and dismantling of the scheme needs to be controlled to avoid unnecessary highway safety risk and to protect the character of the area. The temporary access is to be removed and the verges and fields restored to preserve the character of the countryside along Mill Road Dyke. In conjunction with this, the access to Rose & Crown Farm and nearby dwellings is to be upgraded where it has deteriorated over the years. The hours of working on site are controlled in the interests of local occupiers and conditions are imposed to control noise levels during construction and operation, due to the size of the scheme and the likelihood that when the sun is shining and invertors operating at maximum capacity, inverter cooling fans will be in operation.
37. A Construction Method Statement is necessary to ensure that the works are carried out without undue detriment to nearby occupiers and in the interests of highway safety and wildlife. The height of the panels is limited to avoid any undue prominence in this flat landscape. Finally, the development needs to be constructed 500mm above the ground level in accordance with the recommendations in the Flood Risk Assessment.

Conclusion

38. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR

Schedule of 21 conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: WSP-0091-GA-600ST-217 Revision 08.
3. Notwithstanding the details submitted with this application, prior to the commencement of the development hereby approved, full details of the PV panels, mounting frames (and fixings), the external appearance of the inverter substations and primary substation, the boundary fencing and the locations and design of any CCTV cameras proposed shall be submitted to, and agreed in writing by, the Local Planning Authority. The development shall be constructed, operated and retained in accordance with the approved details.
4. 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 from the development is first supplied to the grid (the First Export Date), this date to be notified in writing to the Local Planning Authority. By the end of the 25 year period the solar panels must be decommissioned. No later than 6 months after decommissioning, all related structures 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 and shall make provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures and fencing; and the repair of land drainage. The Local Planning Authority must be notified of the cessation of electricity generation in writing no later than five working days after the event.
5. If the development hereby permitted fails for a continuous period of 12 months to produce electricity for supply to the electricity grid network, then, unless otherwise agreed in writing with the Local Planning Authority, the solar panels and the ancillary equipment relating to it 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 scheme shall make provision for the dismantling and removal from the site of the solar PV panels, frames, foundations, inverter housings and all associated structures and fencing; and the repair of land drainage. The land shall be reinstated in accordance with the scheme within a period of 6 months after the end of the 12 month period.
6. The scheme hereby permitted shall not commence until full landscaping details in accordance with the proposed mitigation illustrated on Plan no. SJA 199.11.B submitted as part of the Landscape and Visual Impact Assessment produced by Steve Jowers Associates (dated December 2013) including the positioning and height of straw bale screening, has been submitted to and approved in writing by the Local Planning Authority. 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.

7. No trees, shrubs or hedges within the site which are shown as being retained in the Arboricultural Survey prepared by Greenwillows Associates Ltd (dated December 2013), shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the Local Planning Authority.

8. The development hereby approved shall not commence until a Landscape and Ecological Management Plan (LEMP) which shall be in accordance with the recommendations in the 'Preliminary Ecological Appraisal' produced by Greenwillows Associates Ltd (dated September 2010) has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the agreed LEMP which shall include the grazing between the panels which is to be a grass mix suitable for grazing.

9. No development shall take place until a Written Scheme of Investigation and timetable for a programme and reporting of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the scheme and timetable.

10. Prior to the commencement of any works a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' set out in the Construction Traffic Management Statement by WSP dated 5 December 2013. For the duration of the construction period, all traffic associated with the construction of the development will comply with the CTMP and use only the 'Construction Traffic Access Route' and no other local roads unless otherwise approved in writing by the Local Planning Authority.

11. Prior to the commencement of any on-site works, the temporary construction access shall be laid out as shown within the submitted Construction Traffic Management Statement dated 5 December 2013 and constructed in accordance with Norfolk County Council access construction specifications for at least the first 15 metres as measured back from the near edge of the adjacent carriageway.

12. Prior to the commencement of the use of the solar facility hereby permitted, the existing vehicular accesses to Rose and Crown Farm off Mill Road shall be upgraded in accordance with the Norfolk County Council light industrial access construction specification for the first 10 metres (measured along their centre lines) as measured back from the near channel edge of the adjacent carriageway.

13. Within 6 months of the First Export Date, the temporary access road shall be removed, and the verge reinstated and any remedial works undertaken, in accordance with a detailed scheme and timetable to be agreed in writing by the Local Planning Authority.

14. For the duration of the construction and decommissioning periods, deliveries shall only be received at or despatched from the site between the hours of 0800 and 1900 hours Monday to Saturday and not at all on Sundays and Bank Holidays other than with the prior written approval of the Local Planning Authority.

15. The development hereby approved shall not commence until a Construction Method Statement (CMS) has been submitted to and approved in writing by the

Local Planning Authority. Thereafter the construction of the development shall be carried out in accordance with the approved CMS. The CMS shall include:

- a) Details of any temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- b) Dust management and cleaning of vehicle wheels;
- c) Pollution control measures in respect of:
 - Water courses and ground water
 - Bunding and storage areas
 - Foul sewerage
 - Construction noise mitigation measures
- d) Temporary site illumination during the construction period;
- e) Details of the proposed storage of materials;
- f) Details of surface treatments and the construction of any hard surfaces and tracks;
- g) Details of emergency procedures and pollution response plans;
- h) A Site Construction Environmental Management Plan to include details of measures to be taken during the construction period to protect wildlife and habitats including nesting birds;
- i) Details of how any construction compound and associated construction works will be reinstated to agricultural land, including a timetable for completion of the post construction restoration and reinstatement works.

Development shall be undertaken in accordance with the approved CMS.

16. No development shall take place until a Solar Farm Grazing Management Plan (SFGMP) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall describe the methods by which grazing will be maintained by sheep throughout the period during which the development is operational. If for any reason grazing by sheep fails to occur for a period of more than 12 months then, unless otherwise agreed in writing with the Local Planning Authority, the solar panels and the ancillary equipment relating to it shall be decommissioned and removed from the site in accordance with condition 5 above.

17. No external artificial lighting shall be installed or operated during the period of this planning permission.

18. The Rating Level LArTr (to include the 5 dB characteristic penalty) of the noise emanating from the approved scheme, shall not exceed the measured background noise level at any time at the curtilage of any noise sensitive premises lawfully existing at the time of consent. The rating level (LArTr) and the background noise level (LA90) shall be determined in accordance with the guidance and methodology set out in BS4142: 1997.

19. The noise emissions during construction of the development shall not exceed a $L_{Aeq_{10\ min}}$ noise level of 65 dB, 1 metre from the façade of any occupied residential dwelling, during the construction and decommissioning periods.

20. The height of any of the solar panels hereby permitted shall not exceed a height of 2.8 metres above existing ground level.

21. The development hereby permitted shall not be implemented otherwise than entirely in conformance with the recommendations contained in the JBA Consulting Flood Risk Assessment dated November 2013.

APPEARANCES

FOR THE APPELLANT:

Stephen Tromans	Queens Counsel, instructed by Philips Planning Services Ltd
Colm Murphy	Elgin Energy EsCo Ltd
Al Morrow BA(Hons) MRTPI	Philips Planning Services Ltd
Roland Bull BSc(Hons) MSc MRICS	Bidwells LLP
FAAV CEnv	
Ross Allan	Arcus Consulting
Mark Riddington	Landowner

FOR THE LOCAL PLANNING AUTHORITY:

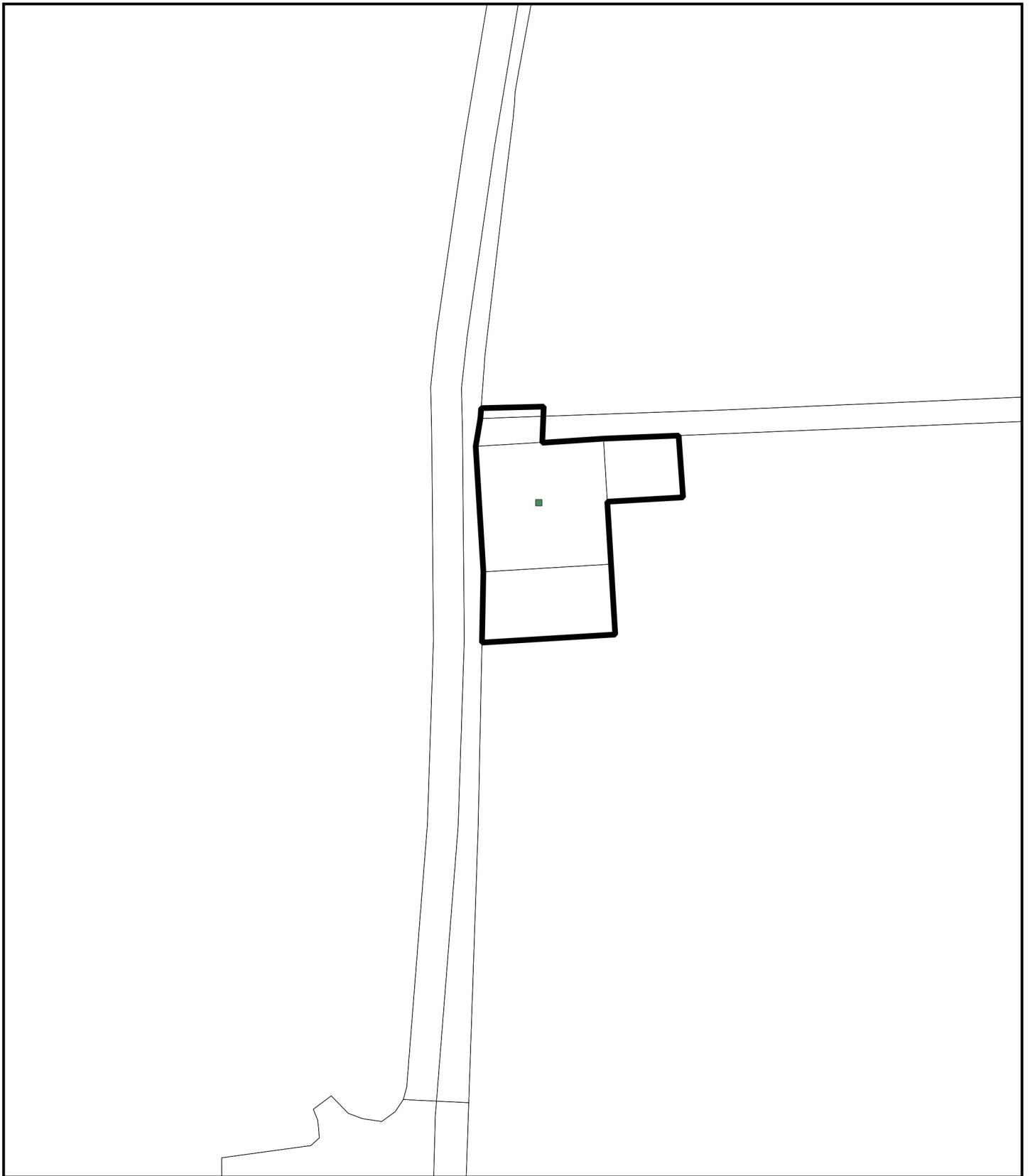
Estelle Dehon	Of Counsel, instructed by East Law on behalf of King's Lynn and West Norfolk Borough Council
Hannah Wood-Handy BA(Hons) MA MRTPI	Principal Planner KLWNBC
Keith Wilkinson BA(Hons) MRTPI	Senior Planner KLWNBC
Noel Doran	East Law

DOCUMENTS

- 1 Updated Statement of Common Ground and list of suggested conditions
- 2 Petition of residents against the proposal
- 3 Written Statement to Parliament by the Rt Hon Eric Pickles MP, 25 March 2015
- 4 Bundle of documents relating to emerging policy DM20, supplied by the Council
- 5 Bundle of documents detailing planning applications for renewable energy development in KLWNDC, supplied by the Council
- 6 Note on sequential test, provided by the appellant
- 7 Folder of Inspector's decisions with highlighted points, submitted by the appellant
- 8 UKPN drawing HQ-2000-4702 Rev K showing Eastern Power Networks generation capacity at 19 March 2014
- 9 UKPN drawing HQ-2000-4702 Rev M showing Eastern Power Networks generation capacity at 5 December 2014, printed by the Inspector

21/02378/F

Barn N of Vong Farm Vong Lane Pott Row PE32 1BW

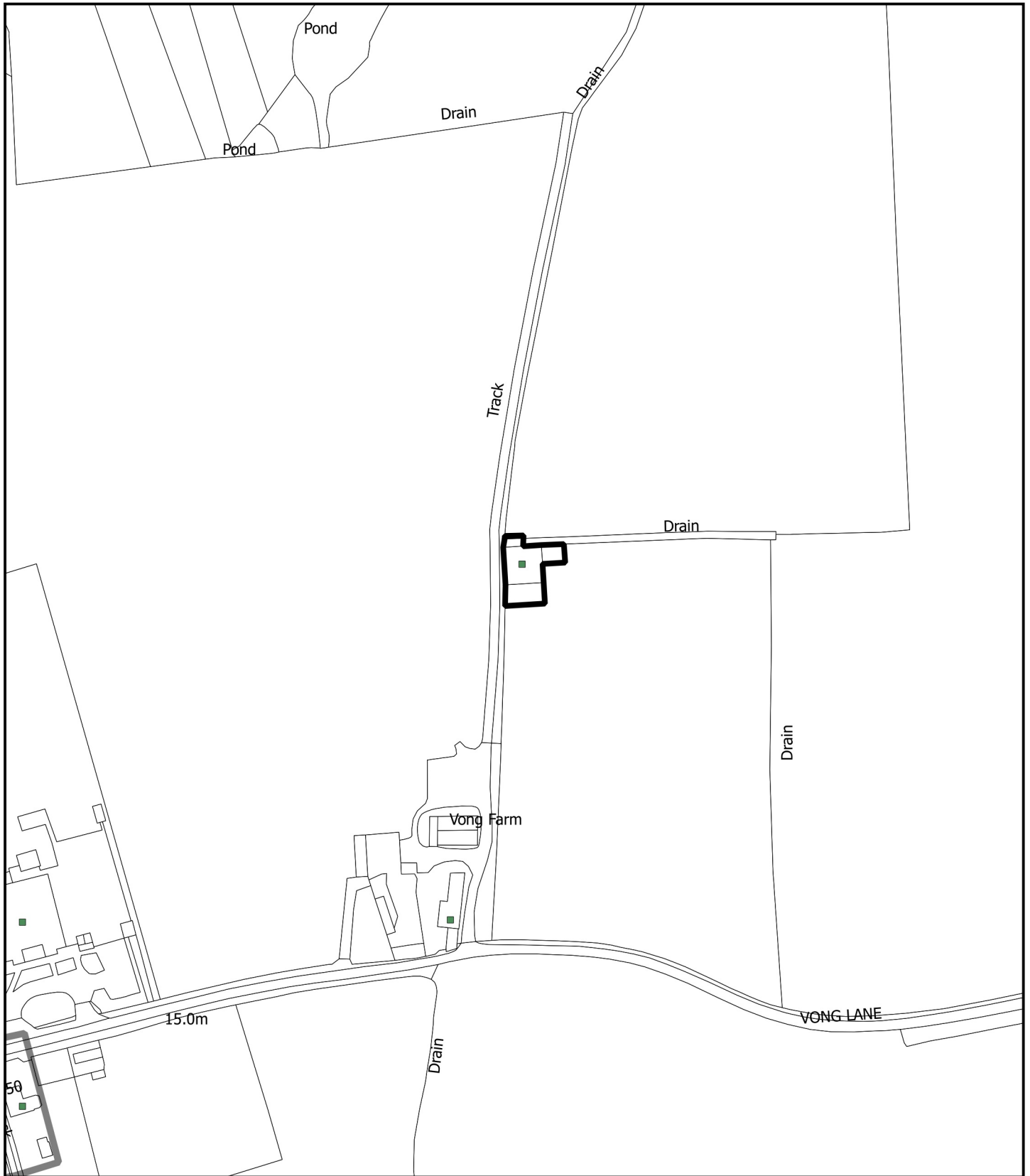


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21/02378/F

Barn N of Vong Farm Vong Lane Pott Row PE32 1BW



Parish:	Grimston	
Proposal:	Demolition of existing agricultural barn (which has Class Q Approval to two dwellings (ref 20/00191/PACU3) and replace with new residential dwellings (2 No.)	
Location:	Barn N of Vong Farm Vong Lane Pott Row Norfolk	
Applicant:	F.K. Coe & Son Ltd	
Case No:	21/02378/F (Full Application)	
Case Officer:	Olivia Luckhurst	Date for Determination: 14 February 2022

Reason for Referral to Planning Committee – Application called into Committee by Councillor Manning.

Neighbourhood Plan: No

Case Summary

The application seeks planning permission for the demolition of an existing agricultural barn and replace with two new residential dwellings. The existing barn was granted Class Q Prior Approval under application (ref 20/00191/PACU3) for the change of use to become two dwellings.

The application site is located within Pott Row which is identified as a Key Rural Service Centre within the Core Strategy and SADMP, however, the site is positioned outside of the defined settlement boundary and is therefore, considered as countryside in policy terms.

The site is not located within a Conservation Area or AONB nor is the site host to any listed buildings.

Key Issues

The key issues to be determined in this case are:

- Principle of Development
- Impact on Amenity
- Design and Form
- Highways and
- Other Materials Considerations

Recommendation

APPROVE

THE APPLICATION

Planning permission is sought for the demolition of an existing agricultural barn and the creation of 2no. dwellings.

The agricultural building was granted Class Q Approval to two dwellings under application 20/00191/PACU3) and was determined in 2020. The application is detailed and discussed later in the report.

The site is located some 300m from the nearest defined settlement boundary of Pott Row, along with Gayton and Grimston and is therefore, considered as countryside in policy terms.

The application site is accessed via an existing access from Vong Lane and is host to an agricultural building with the residential property Vong Farm positioned to the south. Surrounding the site is agricultural fields and the proposed will be semi detached and single storey, measuring 4.1m in height, 16.1m in width and 17.1m in depth. The properties will have a combined internal floor area of 268.9msq and will be constructed from metal sheet cladding with either timber or aluminium windows and doors.

PLANNING HISTORY

19/02050/PACU3: Application Withdrawn: 21/01/20 - Notification for Prior Approval for change of use of agricultural building to two dwellings (Schedule 2, Part 3, Class Q)

15/00330/F: Application Permitted: 22/12/15 - Change of use from farm building to offices with a use class of A2 and B1a

15/00330/DISC_A: Application Permitted: 5/12/18 - Discharge of Condition 1 of 15/00330/F: Change of use from farm building to offices with a use class of A2 and B1a

20/00191/PACU3:10/06/2020 - Prior Approval Approved Notification for Prior Approval for change of use of agricultural building to two dwellings (Schedule 2, Part 3, Class Q)

RESPONSE TO CONSULTATION

Parish Council: OBJECTS

The Parish Council considered the application and recommends refusal. The Council when considering the application rejected any weight given by the Class Q permission as the plot is in the countryside and well outside the development boundary set by the Borough Council and therefore it has to apply a consistent approach when the site is inappropriate for the proposed development.

Further observations –

The plot proposed provides very limited amenity space for two 3 bedroom properties.

Vehicular access to the properties is over a PROW and close to a second PROW, there are concerns about maintaining a decent walking surface if there are increased vehicle movements in particular turning/reversing onto/off the site.

A new entrance onto Vong Lane is to be opened up under a previous permission, there are no details on how the existing entrance will be closed up and the access to the PROW be maintained.

Planning Committee
24 Feb 2022

Highways Authority: NO OBJECTION - Subject to a Condition, securing sufficient access for vehicles, cyclist and pedestrians

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Environment Agency: NO OBJECTION

REPRESENTATIONS

ONE representation has been received stating the following reasons for **OBJECTION**:

- The infrastructure of the village cannot cope with new residential development
- Vong Lane is becoming a busy road and the parking at the school encroaches further up the road causing poor visibility
- Adding an additional access with cause a hazard
- The village is already host to development that is out of keeping

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS09 - Housing Distribution

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

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

PLANNING CONSIDERATIONS

Principle of Development

Pott Row, along with Gayton and Grimston, is identified as a Key Rural Service Centre within the Core Strategy and SADMP, however, the application site is positioned 311m outside of the defined settlement boundary for the village. The site is therefore, considered as countryside in policy terms.

Policy DM2 of the SADMP states that 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.

Policy CS06 seeks to promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity; maintain local character and a high quality environment;; ensure employment, housing (including affordable housing), services and other facilities are provided in close proximity. The policy also supports the conversion of existing buildings to residential and farm diversification in accordance with Policy CS10.

However, it is important to note that prior approval was granted for the change of use of an agricultural building to two dwellings in June 2020 (20/00191/PACU3). Applications under Part 3 of the GPDO allow for the change of use of certain buildings (following detailed regulations and conditions) and in the case of Class Q allows for the conversion of agricultural buildings which may be redundant for agricultural purposes into residential dwellings, which would not otherwise be permitted. Consequently, while the conversion has not yet been carried out the principle of a residential use and conversion to two dwellings has been established and is extant.

Whilst there are strict criteria within the regulations governing what can be granted approval under Class Q, Part 3 this does not preclude an application for planning permission being submitted for building works which do not fall within the scope of permitted development to be made either at the same time, or after a prior approval application in respect of the change of use of the same building.

This application does not involve building works to the existing building, but involves the demolition of the existing agricultural building and its replacement with a new building forming two dwellings which will emulate an agricultural building, albeit of a slightly different design to the existing building.

Whilst it is appreciated that the application site is located outside of the defined settlement boundary where development should be focused, it is a key material consideration that there is prior approval permission at the application site for the conversion of the existing building to two residential properties. Therefore, the applicant has a 'fall back' position should this application be refused, meaning that the existing agricultural building could be converted into two dwellings of a similar design, scale and form.

The status of a fall-back development as a material consideration is not a new concept and has been applied in court judgements such as 'Samuel Smith Old Brewery v The Secretary of State for Communities & Local Government, Selby District Council and UK Coal Mining Ltd'. This decision states that for a fall-back position to be a 'real prospect', it does not have to be probable or likely: a possibility will suffice. It is also noted that 'fall back' cases tend to be very fact-specific and are a matter of planning judgement. Examples are given within the judgement where for instance there may be an old planning application which is still capable

of implementation or where it could be argued that the impact of that which was permitted development would be much the same as the impact of the development for which planning permission was being sought.

Given the above it is considered that there is a real prospect of the applicant implementing the previous prior approval (fall-back position) which is extant and has over a year to run. This is therefore considered to be a material consideration of significant weight in the determination of this application.

The current proposal whilst large, is of a similar footprint to that approved under 20/00191/PACU3 and incorporates a dual pitched roof for each property as opposed to the low, single pitched roof originally approved. The development is also set well back from the road frontage and will not appear overbearing.

Impact on Amenity

The proposed dwellings will be positioned some 127m from the nearest residential property (Vong Farn) to the south, with agricultural fields surrounding the site to the north, east and west. Whilst the properties do incorporate large amounts of glazing, particularly to the rear elevations, it is not considered that the development will create any overlooking or loss of privacy given the sufficient separation distances to other dwellings. The properties will not result in any over shadowing given the distance to the nearest property and overall will not have a detrimental impact on residential amenity and the proposal complies with policy DM15.

Design and Form

Policy DM15 states that development must protect and enhance the amenity of the wider environment including its heritage and cultural value. The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting.

The existing building has an internal floor area of 276sqm and measures 4.3m in height, 16.1m in width and depth and is constructed from metal sheet cladding with a set of barn doors positioned on the west elevation. The proposed dwellings will be semi detached and single storey, measuring 4.1m in height, 16.1m in width and 17.1m in depth. The properties will have a combined internal floor area of 268.9msq and will be constructed from metal sheet cladding with either timber or aluminium windows and doors. Therefore, whilst the proposed properties incorporate a slightly larger footprint, they incorporate the same positioning, height, width and materials as the existing building and will appear similar to an agricultural building from the street view, subsequently appearing in keeping with the character and appearance of the area and the neighbouring barns of Vong Farm.

Highways and Parking

Vong Lane is host to two accesses with one serving Vong Farm Barn and the surrounding buildings. The second access was approved under 15/00330/F which will serve both of the new dwellings. The site also allows for a sufficient amount of parking for the proposed dwellings and will not impact on the existing parking arrangements for Vong Farm and Vong Farm Barn and therefore, complies with policy DM17. The Highways Authority have confirmed they have no objections to the proposed utilisation of the second access from Vong Lane and requested a condition securing sufficient access for vehicles, pedestrians and cyclists.

Other Material Considerations

Crime and Disorder

There are no specific crime and disorder applications associated with this application.

Contamination

The application has been supported with a screening assessment and Design and Access Statement which states no known contamination; the building is stated to have not been used to store machinery or chemicals. The barn is not thought to be made of asbestos containing materials. No potential sources of contamination have been identified by the Environmental Quality Team.

Flood Risk

The application site has been identified using the Environment Agency as being in Flood Risk Zone 1, an area which is at low probability of flooding. Therefore, a flood risk assessment has been compiled and is accompanying this application. The new hardstanding will be provided with surface water soakaways to form a sustainable drainage system and will not be connected into any existing onsite surface water system. This proposal will therefore not materially increase flows into existing systems.

CONCLUSION

Normally, the provision of two dwellings in this countryside location outside of the development boundary would not be supported in the development plan.

However, the site is host to an existing prior approval permission for the change of use of agricultural building to two dwellings. Consequently, while the conversion has not yet been carried out the principle of a residential use and conversion to two dwellings has been established and is extant. This existing permission is therefore, considered as a realistic fall-back position with a real prospect for implementation and officers consider this is of significant weight in the determination of this application.

The proposed development is considered to be of a similar scale and design as the existing building and will incorporate materials which enable the dwellings to appear as an agricultural building from the street scene. The properties will not have a detrimental impact on residential amenity, provide a sufficient amount of parking and will utilise an existing access, therefore, there are no other objections to the scheme.

As members will be aware, planning decisions have to be made in accordance with the development plan unless material considerations indicate otherwise. In this particular case, the existence of permission granted under permitted development rights, to convert the current building into two dwellings, is considered to be a material consideration which such significant weight, that it overcomes the usual policy objections to a residential scheme in this location.

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.

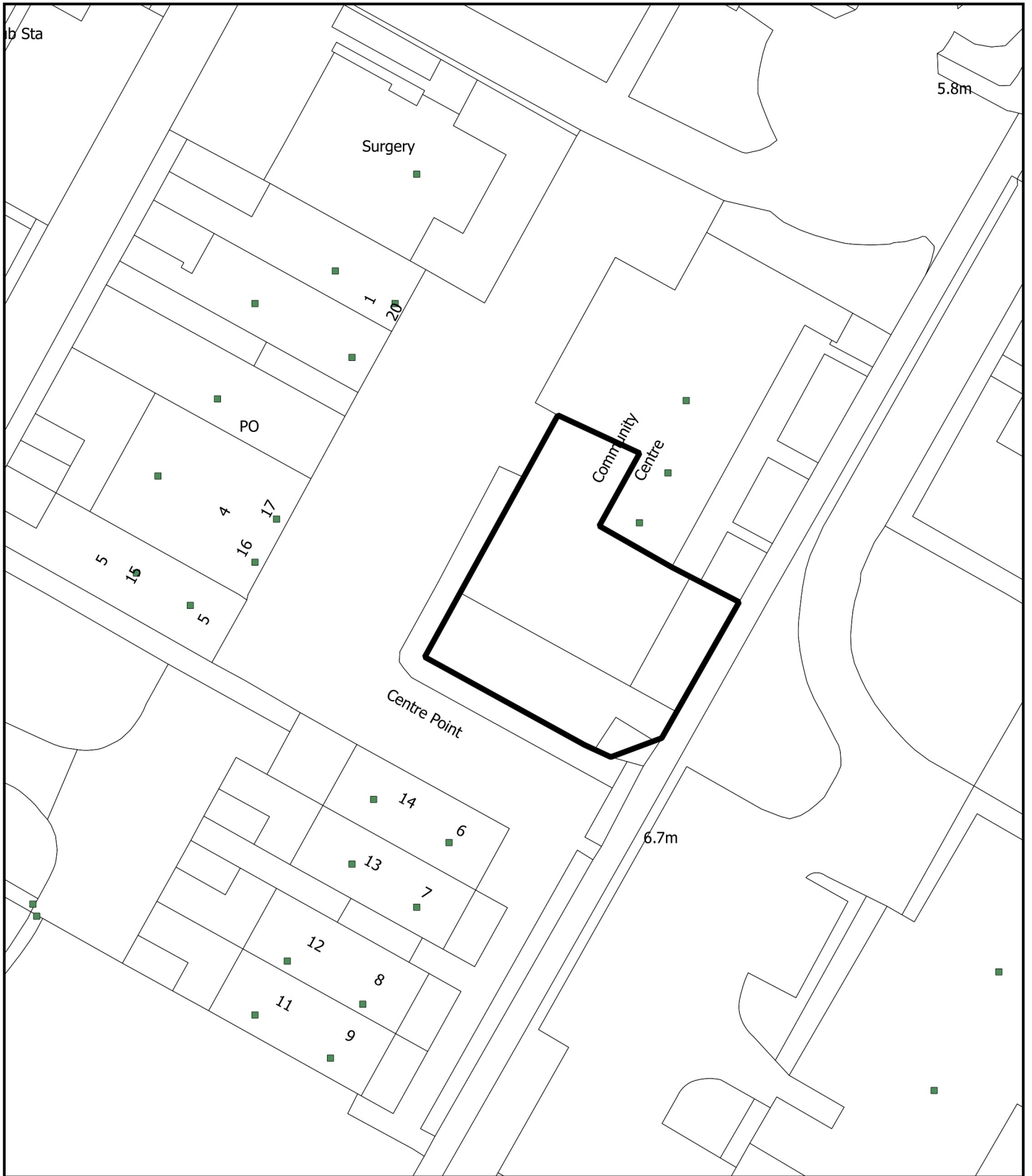
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- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out using only the following approved plans:

4041-74-01 P PROPOSED PLANS & ELEVATIONS Received 17.12.2021
4041-74-02 E EXISTING PLANS & ELEVATIONS Received 17.12.2021
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first occupation of the development hereby permitted the vehicular / pedestrian / cyclist access 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.
- 3 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.

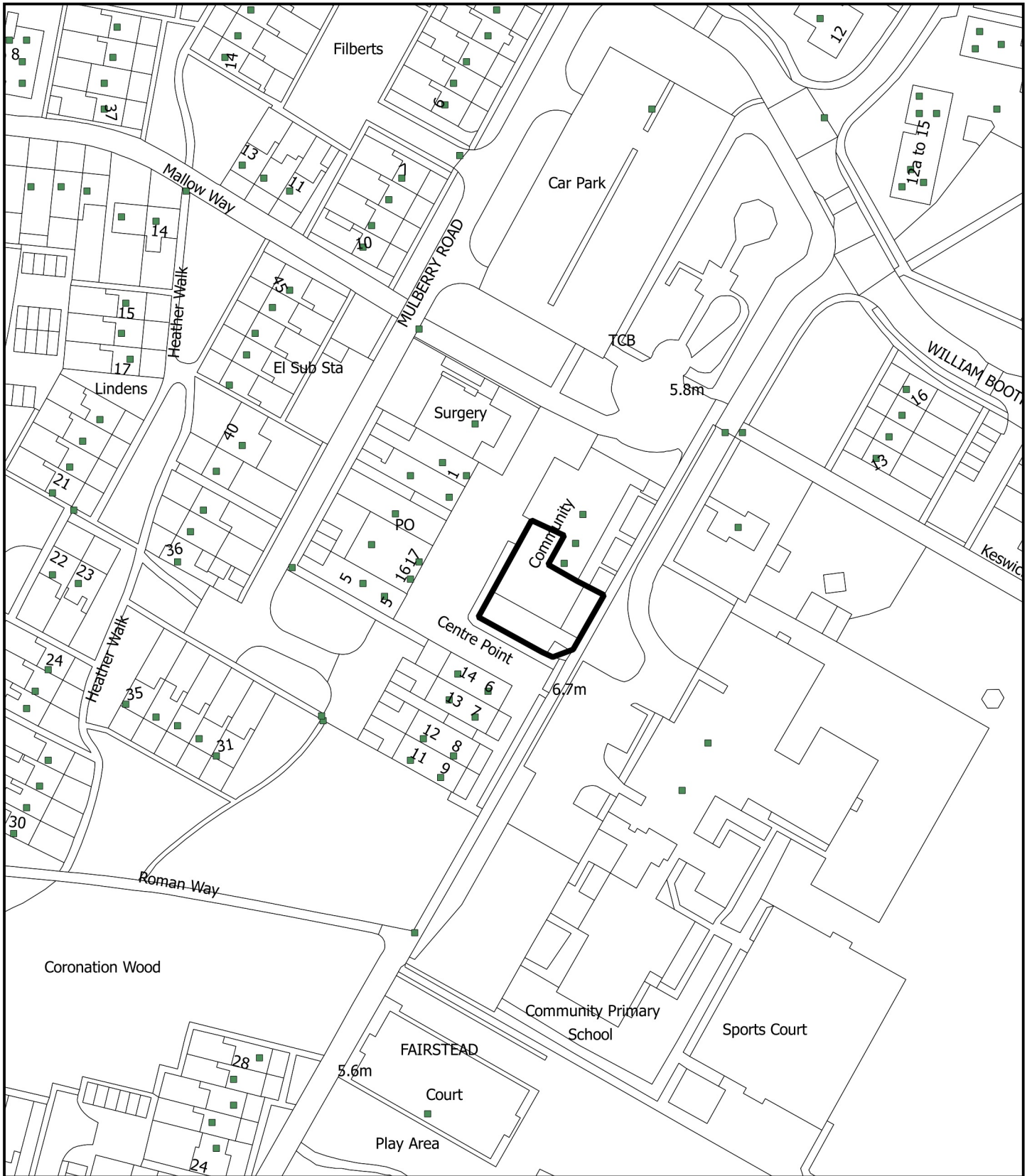
21/02391/CU

Community Centre, Centre Point, King's Lynn, PE30 4SR



21/02391/CU

Community Centre, Centre Point, King's Lynn, PE30 4SR



Parish:	King's Lynn	
Proposal:	Proposed Change of Use of part of existing building from Community Centre to New Sixth Form Centre, minor internal alterations, external areas to consist of new asphalt play surface, new sail type canopy, replacement boundary fencing and screening.	
Location:	Community Centre Centre Point King's Lynn Norfolk	
Applicant:	Children's Services Department	
Case No:	21/02391/CU (Change of Use Application)	
Case Officer:	Olivia Luckhurst	Date for Determination: 1 February 2022 Extension of Time Expiry Date: 2 March 2022

Reason for Referral to Planning Committee – Called in by Councillor Wilkinson

Neighbourhood Plan: No

Case Summary

The application seeks permission for the proposed change of use of part of an existing building from a community centre to a new sixth form centre with minor internal alterations, external areas to consist of new asphalt play surface, new sail type canopy, replacement boundary fencing and screening.

The application site is located within Kings Lynn which is identified as a Sub Regional Centre and a Key Centre for Development and Change within the Core Strategy and SADMP where major growth will be focused to enable the town to deliver the services and facilities necessary for a sub-regional centre.

The site is located within precinct including shops serving the wider Fairstead estate, with an existing parking area located next to the precinct.

Key Issues

- Principle of Development
- Impact on Amenity
- Design and Form
- Highways and Parking
- Other Materials Considerations

Recommendation

APPROVE

THE APPLICATION

Planning permission is sought for the change of use of part of an existing building currently used as a Community Centre to become a new Sixth Form Centre in connection with Churchill Park Academy. Minor internal alterations are proposed with some changes to the external areas including the installation of new asphalt play surface, new sail type canopy, replacement boundary fencing and screening.

The application site is located within the Fairstead Estate in Kings Lynn. The town is identified as a Sub Regional Centre and a Key Centre for Development and Change within the Core Strategy and SADMP where major growth will be focused to enable the town to deliver the services and facilities necessary for a sub-regional centre. The site is positioned in the middle of the residential estate and is adjacent to a mixture of shops, takeaways and a nursery to the east.

A total on 10no. existing employees from Churchill Academy will occupy the site, parking at the existing Academy with the 20no. students being transported to and from the site via a minibus. To the north of the site is a public carpark and therefore, the proposal does not require any additional parking spaces.

SUPPORTING CASE

Unity Education Trust oversee and are responsible for the activities of Churchill Park Complex Needs School as well as six other schools in the King's Lynn area and 18 further sites across Norfolk.

The reason behind the proposal to move sixth form students from the school to Centre Point is to provide more placements for children with complex needs within King's Lynn and the surrounding areas of West Norfolk – an area of significant need. The proposal has been agreed and is supported by Norfolk County Council and the Department for Education.

I wish to support the application on the following grounds:

1. The site is currently used as a Community Centre run by Alive West Norfolk on behalf of the Borough Council of King's Lynn and West Norfolk. The application site occupies a regularly shaped part of the existing building with its own dedicated external area. The site is in use as a Community Centre and the proposal will involve change of use of part of this site to educational use, as a Sixth Form Centre (Annex).
2. It is proposed to convert part of the existing building to form the new Sixth Form Centre and improve the existing dedicated external areas. No new buildings will be created as part of this application, external works will be limited to replacement boundary fencing, new sail type canopy, new asphalt playground and associated improvements to the external areas.
3. The proposal to provide a much needed Sixth Form Centre (Annex) for Churchill Park School is of paramount importance for the continued high-quality provision that is required for some of the most vulnerable and needy young people / adults from Kings Lynn and West Norfolk surrounding areas. The application centres on the desire to make use of communal building that would place our young people at the centre of the community in which they are part of every day and will provide a strong base for partnership working for those young people, the school and the community whilst offering the support of the central site close by.

4. The creation of the annex provision in the Community Centre will enable the school to increase capacity for children attending the school in other years to respond robustly to the increased need of children in the area.

5. As outlined in the Parking Statement 2.0 and 3.0 supporting document. Careful assessment of the site, its features, the surrounding built form have been considered alongside the policy context and the requirements and management of parking of the school. We would confirm that the comments made within the Parking Statement issued in respect of the proposed development are correct and would reiterate that 10 parking spaces will not be required for our use.

6. The Young people will be transported to and from the centre by minibus accompanied by some of the staff members who will man the centre. The minibuses will not remain on site during the day. Many of our staff live locally and will continue their normal practice of walking to work. No new employees will be recruited as part of the development. Parking will continue to be available to all staff on the main school site which is a short 400m walk away.

7. We note that the application site was previously used as a Nursery (an educational use) and was well attended and used prior to its closure. The local parking and transportation routes have not changed since that education use was in place.

8. The remainder of the building is used by a number of external providers throughout the week, both during the day and night who all make use of the existing parking in the area without significant disruption.

9. We believe NPPF is also relevant. Our review with staff promotes sustainable travel choices and outlines in para 111 that '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.

In view of the above, no additional car parking is necessary. There will be no increase in staff numbers and pupils arrive at the site by minibus. This factor coupled with the extent of existing car parking at the main school (and that this parking will be effectively managed by the school to ensure staff park here) will ensure that there is an acceptable level of car parking. NPPF advise suggested that developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. In this case the proposal would not have an unacceptable impact on highway safety. Whilst we understand parking and highways must always be considered in any planning application we are immensely saddened that anyone would put parking as a priority before the provision of education and support for vulnerable young people and would welcome and request the opportunity to speak at the Planning Committee meeting. Perhaps you would be kind enough to confirm this and also the date and time of the meeting.

PLANNING HISTORY

2/02/0859/F - Permitted – Delegated 26.06.2002 - Extensions to community centre

2/03/2099/F – Permitted – Delegated 09.12.2003 - Extensions to community centre

06/02304/F - Permitted – Delegated 30.11.2006 - Proposed platform lift

RESPONSE TO CONSULTATION

Highways Authority:

Having reviewed the submitted information I note from the Parking Statement that there would be up to 20 pupils and 10 staff, under normal circumstances 11 spaces should therefore be available to comply with the adopted parking standards. I observe this application is promoted as part of Churchill Park and that all pupils would be transported via minibus which will not be kept at the site. I do observe that no cycle storage is to be provided but I accept that as the Minibus is to be utilised and there are areas in which to secure a cycle if needed at this site or Churchill Park this lack of new provision is not considered to be significant. It is also of considerable note that teachers are most likely to walk to the site as they are currently employed at Churchill where they could and would be expected to park.

Ultimately I am mindful that the application is in very close proximity to a public car parking facility which I observed to be around half capacity at the time of my visit, I am also aware of the public car park through historical applications has not been at full capacity. Therefore, on balance, I believe that it would be difficult to substantiate an objection to the application on highway safety grounds given that has close ties to an existing school and with the surrounding area having very good links to sustainable transport modes and a public car park.

Water Management: NO OBJECTION

Environmental Health & Housing – Environmental Quality: NO OBJECTION

Community Safety and Neighbourhood Nuisance Officer: NO OBJECTION - Subject to a condition construction management scheme

Councillor: SUPPORT

County Councillor Colwell has confirmed his support for the application and providing the following:

I do note the comments of the Community Safety and Neighbourhood Nuisance Officer and share his concern that prior to commencement of any future development that a detailed construction management scheme is submitted. Minimising impact on local residents for noise etc would be my main concern during any works undertaken. I do not share concern over parking provision, which has now been adequately explained in the circumstances.

REPRESENTATIONS

No representations received

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS11 – Transport

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM9 - Community Facilities

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 2019

PLANNING CONSIDERATIONS

Principal of Development and Policy Considerations

In term of the Local Plan, the application site is located within Kings Lynn which is identified as a Key Service Centre where major development will be focused in order to continue to meet its obligations as a Growth Point and Key Centre for Development and Change and develop as a Sub-Regional Centre.

Policy CS01 amongst other things states that support will be given to development that seeks to establish a strong educational base.

Policy CS13 seeks to enable development which will deliver strong communities, well-being, and enhanced quality of life through good design. Developments should be accessible and inclusive and by being locally distinctive whilst contributing to a sense of place and identity.

Policy DM9 confirms that the Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth. Development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either:

- a) the area currently served by it would remain suitably provided following the loss, or if not
- b) it is no longer viable or feasible to retain the premises in a community facility use.

DM17 confirms the required parking provision for new developments and states that with developments other than dwellings car parking provision will be negotiated having regard to the current standards published by Norfolk County Council.

Paragraph 95 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement,

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and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

The proposal seeks permission for the change of use of part of the existing building from Community Centre to a New Sixth Form Centre with minor internal alterations. The external areas will consist of new asphalt play surface, a new sail type canopy, replacement boundary fencing and screening.

Whilst the proposal will result in the partial loss of a community facility in the form of a community centre, the proposed new use is also considered to be an acceptable and essential community facilities providing a new sixth form centre and will help to establish a strong educational base. The remaining section of the community centre will continue to function as a community facility. The proposed alterations and additions are considered to be of an acceptable scale and design and will not have a detrimental impact on residential amenity.

Impact on Amenity

The application site is located at Centre Point within the Fairstead Estate which is host to a mixture of uses including shops, a takeaway restaurant and is surrounded by residential properties with the Fairstead Primary and Nursery School located to the east. The site currently comprises of a community centre with amenity space to the east and south. The proposed change of use will have a minimal impact on the appearance of the building and will function in a similar way to the existing use. It is not considered that the new use as a sixth form centre will result in any issues relating to noise disturbance, impact on visual amenity, overlooking or loss of privacy given the minor alterations, surrounding uses and the fact that the building will still remain as a community facility.

Design and Form

The majority of the changes connected to the proposed change of use will be internal with the installation of a galvanised steel post and frame structure, with a fabric style canopy to the south. A new 2m, powder coated anti-climb fence with internal privacy netting is also proposed and minor alterations to amenity space to the east and west. Overall, the proposed changes are considered to be inconsequential and will appear in keeping with the surrounding area.

Highways and Parking

The application site will provide a sixth form centre in conjunction with Churchill Park Academy. The site will accommodate a total of 10no. employees and 20no. students at any one time. The staff who will be working at the new sixth form centre are existing employees of Churchill Park Academy and will park at the existing carpark at the academy which provides a sufficient amount of parking for staff. The students will be brought to and from the site by a minibus organised by the academy and will park off site during the day. Staff will also have access to the minibus and will be encouraged to walk to and from the sites given that the school is located just 400m from the application site. Access is provided by pedestrian paths between the site which are provided with street lighting. To the north of the site is a public car park positioned some 57m away and provides over 20 parking spaces. Whilst the carpark is not within the applicant's ownership, spaces could be used by members of staff if required. The Parking Standards for Norfolk 2007 states that for uses of schools (higher education and further) there should be 1no. parking space for every 2 daytime teaching staff and 1no. parking space per every 15 students.

No additional parking is proposed for the site however, given that staff will have access to the existing car park at Churchill Park Academy and will be encouraged to walk to site, there is also access to the public carpark and students will be transported to and from site by a minibus, it is not considered that additional parking is required for the proposed change of use. Paragraph 104 of the National Planning Policy Framework states that opportunities to promote walking, cycling and public transport should be identified and pursued.

Paragraph 111 goes on to explain that 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. In this case, it is considered that given the scale of the use and its users, along with the existing parking already provided by the academy and public car park, additional parking would not be required and the development would not have a detrimental impact on the highway.

The Highways Authority have been consulted on the application and confirmed that a proposal of this scale would normally require 11no. additional parking spaces, however, given that the new sixth form has close ties to an existing school carpark and with the surrounding area having very good links to sustainable transport modes and a public car park, the addition spaces are not required and the proposal complies with policy DM17.

It is also of note that the current community centre use does not have a dedicated area set aside for parking, rather it utilises the existing adjacent public car park. It could be argued that there will be less call on the public car park given this.

Other Material Considerations

Flood Risk and Drainage

The application site has been identified using the Environment Agency as being in Flood Risk Zone 1, an area which is at low probability of flooding. Nonetheless a flood risk assessment has been compiled and is accompanying this application. The new hardstanding will be provided with surface water soakaways to form a sustainable drainage system and will not be connected into any existing onsite surface water system. This proposal will therefore not materially increase flows into existing systems.

Crime and Disorder

There are no specific crime and disorder applications associated with this application.

CONCLUSION

The application seeks permission for the part change of use from a community centre to a new sixth form centre in connection to Churchill Park Academy. Whilst the proposal will result in the loss of one community facility, the new proposed use is also considered to be an essential, educational, community use and therefore complies with the requirements of policies DM2, DM9 and DM17 of Site Allocations and Development Management Policies Plan and policies CS02, CS03 and CS13 of the Core Strategy. The proposal is also strongly supported by government policy set out in the NPPF.

The proposed development consists of minor works to the existing outdoor space including new fencing and a canopy with the majority of the works being internal. The changes are not considered to have any material impact on residential amenity or have a detrimental impact on the appearance of the building and surrounding area. Whilst the development does not

propose any new parking, staff will have access to the public car park located to the north of the site and will also be encouraged to walk or cycle from the nearby academy which also offers adequate onsite parking. Students will be transported to and from site by a minibus which will be parked off site during the day. Therefore, it is considered that no additional parking is required, and the development will not have an adverse impact on the highway or existing parking.

Given the above the application is 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 using only the following approved plans:

NPS-00-00-DR-B-001 P2 - LOCATION PLAN Received 14.12.2021

NPS-00-00-DR-B-002 P2 - EXISTING FLOOR PLAN Received 14.12.2021

NPS-00-00-DR-B-003 P2 - EXISTING SITE PLAN Received 14.12.2021

NPS-00-00-DR-B-004 P2 - PROPOSED FLOOR PLAN Received 14.12.2021

NPS-00-00-DR-B-005 P2 - PROPOSED SITE PLAN Received 14.12.2021

2 Reason: For the avoidance of doubt and in the interests of proper planning.

3 Condition: Prior to commencement of development a detailed construction management scheme must be submitted to and approved by the Local Planning Authority: this must include proposed timescales and hours of the construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, proposed attenuation and mitigation methods to protect residents from noise, dust and litter and communication methods to the wider community regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.

3 Reason: In order that the Local Planning Authority may retain control over the construction activities in the interests of the amenities of the locality in accordance with the NPPF.

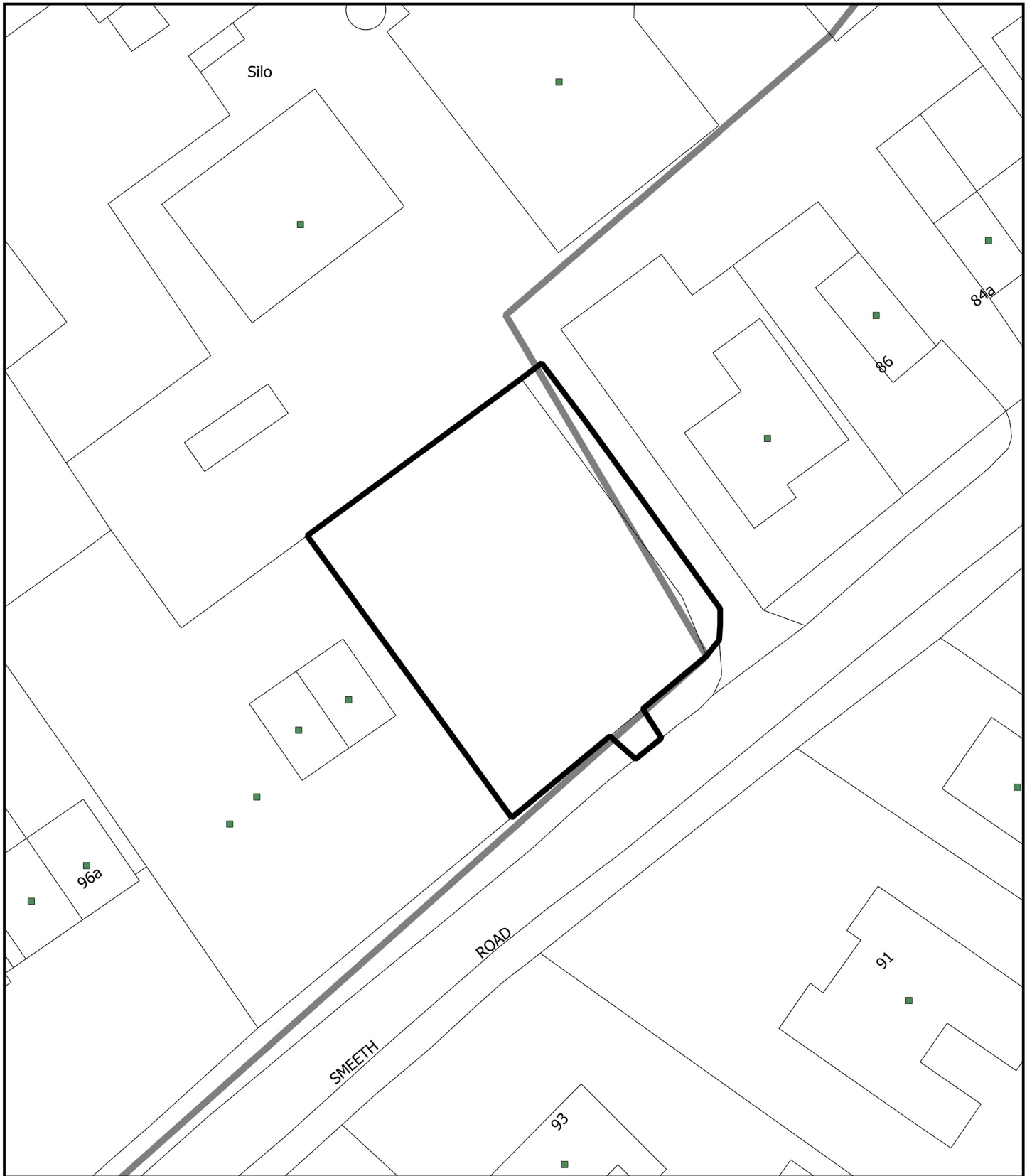
This also needs to be a pre-commencement condition as this issue relates to the construction phase of the development.

4 Condition: No works shall commence in relation to the new canopy, replacement boundary fencing and screening until details of their height, colour, material and positioning have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

- 4 Reason: To ensure a satisfactory external appearance, scale, positioning and grouping of materials in accordance with the principles of the NPPF.

21/02091/F

Fenberry Farm Ltd 84B Smeeth Road Marshland St James PE14 8JF



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Ordnance Survey 100024314

0 10 20 30 40 50 m



21/02091/F

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8JF**



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Ordnance Survey 100024314

0 10 20 30 40 50 m



Parish:	Marshland St James	
Proposal:	Construction of 2 pairs of 3 bedroom semi-detached starter homes.	
Location:	Fenberry Farm Ltd 84B Smeeth Road Marshland St James Norfolk	
Applicant:	Thorpe	
Case No:	21/02091/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 27 December 2021 Extension of Time Expiry Date: 28 February 2022

Reason for Referral to Planning Committee – Referred by Planning Committee Sifting Panel

Neighbourhood Plan: No

Case Summary

The application seeks full planning permission for the construction of two pairs of three-bedroom semi-detached dwellings on a parcel of vacant/ agricultural land. The application site lies to the north of Smeeth Road, located fairly centrally within the settlement. The site is approximately 0.1ha in size and access is proposed off Smeeth Road.

Marshland St James is categorised as a joint Rural Village in the adopted Local Plan. The application site is located outside of Marshland St James' development boundary, as identified on Inset G57 of the Site Allocations and Development Management Policies Plan (2016)(SADMPP) where normally proposals for housing are more restrictive.

However in this case, it is the view of officers that there are material considerations that would allow, on balance, the grant of planning permission.

Key Issues

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highway Safety
- Flood Risk
- Affordable Housing Contributions
- Other Material Considerations

Recommendation

A) **APPROVE** subject to the completion of a Section 106 agreement within four months of the date of the resolution to approve.

B) **REFUSE** if the Section 106 Agreement is not agreed within four months of the date of this resolution to approve.

THE APPLICATION

The application seeks full planning permission for the construction of two pairs of three-bedroom semi-detached dwellings on a parcel of vacant/ agricultural land. The application site lies to the north of Smeeth Road, located fairly centrally within the settlement. The site is 0.1ha in size and access is proposed off Smeeth Road. The application site has residential development either side and approved residential development to the rear.

Marshland St James is categorised as a joint Rural Village in the adopted Local Plan. The application site is located outside of Marshland St James' development boundary, as identified on Inset G57 of the Site Allocations and Development Management Policies Plan (2016)(SADMPP) where normally proposals for housing are more restrictive. The development boundary abuts the application site running alongside the front of the site.

The proposed dwellings are located centrally on the site with a driveway and parking/ turning area to the front of the plot and private amenity space to the rear of 10m in depth. The proposed dwellings are of largely the same design as the existing adjoining two storey semi-detached dwellings to the southwest. Each pair of semi-detached dwellings would be approx. 8.2m tall to ridge height, 10.6m wide, and 8.5m deep. The dwellings are of a modern estate style design, and symmetrical in appearance. The materials proposed are not specified nor are the boundary treatments. It is anticipated that the proposed dwellings will reflect those already constructed immediately to the southwest.

SUPPORTING CASE

It is appreciated that the site sits on land is still designated as 'Countryside', however policy does not forbid such development within the countryside and allows for a pragmatic approach to be taken on a case by case basis. Clearly this site is surrounded by residential development, and is, in reality, infill. It should be noted that the village development boundary abuts the proposal site, Marshland St James is a Key Rural Services Centre and the site is effectively 'Infill'.

The site has been identified as a Sustainable Location, by virtue of the adjacent residential approval, awarded during the local authority housing land supply shortage.

There is ample and adequate locally accessible amenity space. The site is connected to the local community centre, children's' play area, and sports field by footway, and is within a reasonable walking & cycling distance.

In any event the total site area outside of the access is 930m². The building footprints total 184m², this exceeds some other local approvals thus provides a greater amenity area. These approvals have since been built out and sold as market housing - thus the market has dictated both suitability & need - this are market houses, and not for the rental or Affordable sector. Adjacent approvals 13/00872/F & 18/0014/RM provide an amenity space equal to, or less than the proposal.

It is considered that the window to window distances are no less than other approvals, particularly recently approved 'estate' style housing. Similarly, the distance to the windows to the residence to the rear - as can be identified from the approved floor plan of this dwelling, there would be no overlooking issues. There has been no objection from the owner of this property to the proposal.

PLANNING HISTORY

None relevant.

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

The Council SUPPORTS this application but request the following condition be applied to the consent:

Any footway or Trod to the front of the property be protected during construction and reinstated in good condition on completion.

Highways Authority: NO OBJECTION - Subject to Conditions

Having examined the information submitted with the application I believe that ultimately accesses for the proposal would be safe and parking and turning for vehicles would accord with the parking standards for Norfolk.

The proposed development site is however remote from schooling; town centre shopping; health provision and has restricted employment opportunities with limited scope for improving access by foot and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport.

It is the view of the Highway Authority that the proposed development are likely to conflict with the aims of sustainable development and you may wish to consider this point within your overall assessment of the site. Should however your Authority seek to approve the application I would recommend conditions re access, visibility splay, turning/ parking area are attached.

Environmental Health & Housing – Environmental Quality: NO OBJECTION

The application is for the construction of 2 buildings making up 4 semi-detached 3 bedroom properties. We have reviewed our files and the site is on redundant agricultural land. The use of the land has only been observed as agricultural or forested according to historical records.

Housing developments of a similar type have recently been built on the neighbouring plot. The surrounding landscape is largely agricultural with residential properties and commercial premises running along the road south of the site. No potential sources of contamination are identified in our records or on the screening assessment provided by the applicant. We have no objection regarding contaminated land.

Housing Enabling: NO OBJECTION - Subject to Section 106 Agreement

We can confirm that the site area and number of dwellings proposed triggers the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Marshland St James. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

Under DM8 of the council's Site Allocation & Development Management Policies Plan 2016 this site is deemed linked to planning application 15/01573/O and is considered an extension to an existing development which is still being built out. A financial contribution of £96,000 was secured within the s106 agreement for the previous application which has been complied with. In this instance for an additional 4 units, a financial contribution of £24,000 would be sought. This is calculated as 4no units times 20% affordable housing – 0.4 units, times £60,000 per unit. A S.106 Agreement will be required to secure the affordable housing contribution.

Natural England: NO COMMENTS

Internal Drainage Board: NO OBJECTION - Subject to Condition.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

- The applicant has indicated that they intend to dispose of surface water via infiltration, however has not been evidenced. Recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).
- Not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary.

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

Environment Agency: NO COMMENTS

The above planning application falls within our Flood Risk Standing Advice. It is considered that there are no other Agency related issues in respect of this application and therefore, in line with current government guidance, your council will be required to respond on behalf of

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the Agency in respect of flood risk related issues. See following link for assistance - <https://www.gov.uk/flood-risk-assessment-local-planning-authorities>

Emergency Planner: NO OBJECTION

Reference the above application. Because of its location in an area at risk of flooding I would suggest that the occupiers:

- Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)
- A flood evacuation plan should be prepared (more details at www.gov.uk/flood)
 - This will include actions to take on receipt of the different warning levels.
 - Evacuation procedures e.g. isolating services and taking valuables etc
 - Evacuation routes

REPRESENTATIONS

TWO letters of **OBJECTION** received raising the following issues-

- Loss of agricultural land and harm to the countryside.
- Consolidate the built form outside the defined development area for the village and would be detrimental to the appearance and character of the countryside.
- The site is in Flood Zone 3. There are other more suitable Flood Zone 1 sites immediately available within Marshland St James. Site does not meet sequential test requirements.
- Smeeth Road is in a 40mph zone and there are no continuous footpaths towards the Village Centre and other Community Facilities.
- Authority has a 5 Year Land Supply. There are no material considerations to outweigh this in principle policy objection and the proposal is therefore not considered to be sustainable development and contrary to the provisions of the NPPF (paragraphs 11, 78 & 170), Core Strategy Policies CS01, CS02 & CS08 of the LDF and Policies DM1 & DM2 of the SADMP.
- The applicant/ owner of this site is Parish Councillor Mark Thorpe, who clearly has a pecuniary interest and Norfolk County Councillor Chris Dawson also declared a pecuniary interest, in his capacity as Agent and a Director of Hereward Services Ltd. Therefore, clear conflict of interest and an approval inappropriate.

ONE letter of **SUPPORT** received from neighbouring dwelling –

- No concerns re neighbour amenity as the proposed dwellings are 40m from their converted barn.
- Starter homes are needed in the village.

ONE representation of **SUPPORT** from Cllr Long, ward member, stating –

I would like to put on record that as local member I support this application and believe it will add to the continued vibrancy of the village, and will be a positive addition to the Smeeth.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM8 – Delivering Affordable Housing on Phased Development

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 2019

PLANNING CONSIDERATIONS

Principle of Development

Marshland St James is identified as a joint Rural Village in the adopted Local Plan, and as such the settlement has a range of services and also a development boundary for the village. The application site is located along the north side of Smeeth Road, which is outside of the development boundary identified in Inset G57 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP). The development boundary abuts the application site running alongside the front of the site. Policy CS06 (of the Core Strategy) seeks to protect the countryside and restrict development of greenfield land unless for agricultural or forestry needs. Policy DM2 states that outside development boundaries new development will be restricted to that identified as suitable in rural areas by other policies of the local plan.

The agent for the proposal refers to the fact that the scheme is an infill development, which it is in terms of character. Policy DM3 of the SADMPP allows limited infill development but this is in Smaller Villages and Hamlets only and does not apply to Marshland St James as a joint larger Rural Village.

However, while the site lies outside the development boundary for the village; in this application there are a range of factors which collectively lead to special circumstances which need to be considered by members. When the development boundary was originally drawn this sought to protect a gap in built form which at that time provided views into the countryside and contributed to the form and character of the village. However, during the time when the authority did not have a five year land supply planning consent was granted for eight houses within this gap (ref 18/00014/RM). Furthermore, in 2018 the existing agricultural barn to the rear of the application site was converted to a dwelling under a prior notification application (ref:18/00062/PACU3). The impact of these two developments has significantly changed the character and value of this (previous) gap in the frontage. The application site constitutes the remaining piece of land which fronts onto Smeeth Road with

a dwelling to the rear of the site and dwellings either side. While the site remains outside of the development boundary (which runs along the front of the site) the land cannot be utilised as agricultural land and it does not add value to the rural feel or setting of the village. There are no views through this site to the wider countryside and there would be no unacceptable harm to the intrinsic character and beauty of the countryside as a result of the development.

Paragraph 79 of the National Planning Policy Framework (NPPF 2021) is also particularly relevant here and it states that-

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Form and Character

Smeeth Road is characterised by ribbon development of dwellings of various form and scale. Within the immediate vicinity, there are recently constructed semi-detached properties constructed in red brick to the southwest, detached dwellings constructed in buff brick to the northeast, and an agricultural style building, finished in pale grey sheeting, to the north of the site.

The application site is a parcel of land of approx. 0.1ha, comprising of scrub vegetation. It is currently defined by a 1.8m closed boarded fence on the north, east and west boundary (which drops in height to 1m forward of the front elevation of the neighbouring dwelling). The proposed dwellings are located centrally on the site with a driveway and parking/ turning area to the front of the plot and private amenity space to the rear of 10m in depth.

The proposed dwellings are of largely the same design as the existing adjoining two storey semi-detached dwellings to the southwest. Each pair of semi-detached dwellings would be approx. 8.2m tall to ridge height, 10.6m wide, and 8.5m deep. The dwellings are of a modern estate style design, and symmetrical in appearance. The materials proposed are not specified nor are the boundary treatments. It is anticipated that the proposed dwellings will reflect those already constructed immediately to the southwest. The design of the dwellings is considered acceptable in the locality, reflecting the form and character. The scheme is in accordance with policy CS08 of the CS and policy DM15 of the SADMPP.

Neighbour Amenity

The proposed dwelling at plot 1 is 2.5m from the neighbouring dwelling to the west at no.94A, and to the east the existing dwelling no.88 is 10.5m from the proposed dwelling at plot 4, to the other side of an access track. The proposed siting of the dwellings is in accordance with the building line of those existing immediately adjacent (to the southwest). The side elevations of the existing dwellings and those proposed include first floor bathroom windows. These could be conditioned as obscure glazing to protect privacy between the dwellings.

To the rear of the application site is an agricultural building converted to a dwelling with first floor bedroom and bathroom windows facing onto the application site. This building is approximately 25m from the building to the shared boundary fence. The distance of 35m from the proposed dwellings to the dwelling at the rear is acceptable in terms of window to window relationships, and also this separation distance provides sufficient privacy for the proposed rear gardens. In terms of overshadowing, the distance between the dwellings proposed and those existing dwellings neighbouring the site, in addition to the siting and

orientation of these, means that the development would not cause harm to the extent to warrant refusal of the application. While no.88 has a first floor window on the southwest side elevation serving a bedroom, and a ground floor living room window, the access track in between the application site and this neighbouring dwelling protects the 10.5m gap between and as a result there would be limited overshadowing as a result of the proposed scheme, as again the dwellings proposed are largely positioned in line with no.88. The first-floor window of no.88 would face onto the side elevation of plot 4, and towards the front of the proposed plot, and it is not considered this would overlook the rear private amenity space of plot 4.

The proposed development would not give rise to an unacceptable impact on neighbour amenity and is therefore in accordance with policy CS08 of the CS and DM15 of the SADMPP.

Highway Safety

The Local Highway Authority (LHA) raises no objections to the application on highway safety grounds. The proposed access and parking arrangements are acceptable subject to conditions relating to the access, visibility splay and parking and turning arrangements.

There is an existing tarmac footpath running along the front of the site which is to be retained, and this is demonstrated on the submitted plans. The Parish Council request the retention and protection of this footpath.

The Local Highway Authority (LHA) does raise concerns that in their view the site is in an unsustainable location remote from local services and facilities with limited scope for improving access by foot and public transport. A public objection to the scheme also makes the point that there are not continuous footpaths from the site to the community facilities.

In terms of highway safety, the proposed development is in line with policies CS11 of the CS and DM17 of the SADMPP. The sustainability of the site is considered under the principle of development as discussed above.

Flood Risk

The application site lies within Flood Zone 2 of the adopted SFRA, as does much of the north of Smeeth Road. In line with the NPPF the sequential test must be carried out for development in areas of flood risk. The applicant has submitted a sequential test, which in their view states the site has passed. The application site proposed is outside of the development boundary for the village and at flood risk. The two housing allocations in the village (G57.1 and G57.2) are not at risk of flooding (one has minimal climate change surface water flooding), however these are both under construction or developed with insufficient space for four new dwellings. Therefore, there are not any reasonable available (allocations or sites with extant consent) alternative sites at a lower risk of flooding within the settlement, and as a result the application passes the sequential test.

The applicant states in the site-specific flood risk assessment that there are mitigation and resilience measures that can be used to ensure the proposed development is safe for the lifetime of its use and would not increase flood risk elsewhere. The measures proposed are in line with the Environment Agency Standing Advice with finished floor levels to be raised by 300mm above the existing ground levels, and flood resilience measures are proposed for 300mm above the finished floor levels. For these reasons the application accords with the provisions of paras 160 and 161 of the NPPF, and the adopted plan, specifically policy CS08 of the CS.

Affordable Housing Contributions

Policy DM8 of the SADMPP requires that where the proposed development forms part of a larger site which if developed would result in a requirement for a proportion of / contribution to affordable housing the requirement to provide affordable housing will apply. This application must therefore be linked with application 15/01573/O which granted consent for 8 dwellings immediately adjacent to the southwest of the site. Under Policy DM8 this site is considered an extension to an existing development which is still being built out. A financial contribution of £96,000 was secured within the s106 agreement for the previous application which has been complied with. In this instance for an additional 4 units, a financial contribution of £24,00 would be sought. This is calculated as 4no units' times 20% affordable housing – 0.4 units, times £60,000 per unit. The Housing Enabling Officer has calculated that based on the number of dwellings already under construction and the affordable housing contribution made previously, in addition to the four new units proposed an additional financial contribution of £24,000 would be sought. A S106 agreement is required to secure the affordable housing contribution.

Other Material Considerations

Drainage – While drainage details have been submitted as part of the application, the applicant has indicated that they intend to dispose of surface water via infiltration, however the IDB cannot see that the viability of the proposed drainage strategy has been evidenced. The IDB would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. Therefore, it is suggested drainage is conditioned to ensure satisfactory arrangements can be agreed.

No objections or comments were received from statutory consultees regarding land contamination or ecology.

CONCLUSION

In summary, the application site is outside of the development boundary, which runs along the front of the site, and therefore the proposal is technically contrary to policies CS06 of the Core Strategy, and Policies DM2 and DM3 of the SADMPP. The Council also has a 7.96 year housing land supply currently, so is not looking for an urgent supply of housing to come forward.

However, the very site specific context of this scheme, in particular the changes to the character of this area and the fact it is effectively surrounded by residential development, leads to the fact that there would be no harm caused to the form and character of the locality or the wider countryside. The reduced gap compared to when the development boundary was approved, means this is no longer an important gap within the street scene, and the site is also relatively close to the services and facilities of Marshland. There are not considered to be any other technical objections to the scheme. On balance, the scheme does represent a sustainable form of development for the reasons discussed above and it is therefore not contrary to the NPPF and is considered particularly to be in accordance with paragraph 79 of the NPPF. Members will be aware that planning decisions are made in accordance with the development plan, unless other material considerations indicate otherwise, and the lack of harm here means that these considerations, in this specific case, are on balance considered to outweigh the conflict with the development 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 (Drawing No HAL21-94A-100 Rev: A received 27 Oct 2021).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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.
- 3 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.
- 4 Condition: Prior to the first occupation of the development hereby permitted the vehicular / pedestrian / cyclist access shall be constructed in accordance with the highways specification TRAD 4 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: 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.
- 5 Reason: In the interests of highway safety in accordance with the NPPF and Policy CS11 of the Core Strategy.
- 6 Condition: Prior to the first occupation of the development hereby permitted 2.4 meter 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 .The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 meters above the level of the adjacent highway carriageway.
- 6 Reason: In the interests of highway safety in accordance with the principles of the NPPF.

- 7 Condition: Prior to the first occupation (use) 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.
- 7 Reason: To ensure the permanent availability of the parking/maneuvering areas, in the interests of satisfactory development and highway safety.
- 8 Condition: The development hereby approved shall be constructed in strict accordance with the flood risk measures specified in the Conclusions of the Flood Risk Assessment Final Report prepared by Ellingham Consulting Ltd dated October 2021. These measures shall be retained in perpetuity.
- 8 Reason: In order to protect the residents against flood risk in accordance with the principles of the NPPF.
- 9 Condition: 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 buildings 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.
- 9 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 10 Condition: Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are 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.
- 10 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 11 Condition: Prior to the first use or occupation of the development hereby approved, 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 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.
- 11 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 12 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.

- 12 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 13 Condition: Before the first occupation of the dwelling hereby permitted the bathroom windows on the first floor side elevations shall be fitted with obscured glazing and any part of the window that is less than 1.7 meters above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 13 Reason: To protect the residential amenities of the occupiers of nearby property.