

Report to Planning applications committee

Item

29 October 2015

Report of Head of planning services

Subject Application no 15/01091/F - Briar Chemicals Ltd,
Sweet Briar Road, Norwich, NR6 5AP

Applicant Mr William S Knight

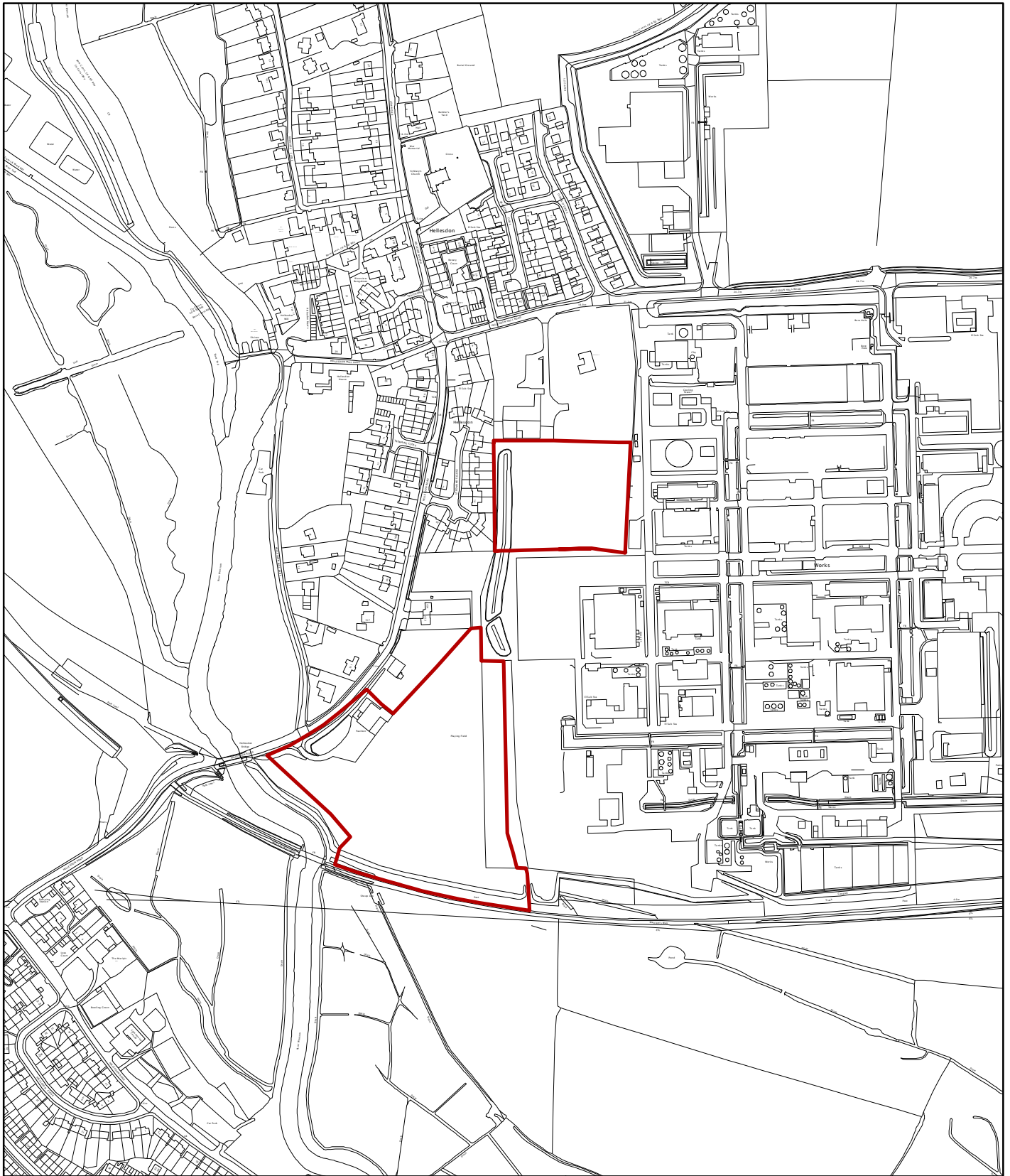
Reason for referral Objection and significant departure from development plan

4(C)

Ward:	Wensum
Case officer	Joy Brown - joybrown@norwich.gov.uk

Development proposal		
Demolition of former clubhouse and installation of solar photovoltaic panels and associated works including inverter housings and security cameras.		
Representations		
Object	Comment	Support
0	0	0
Consultee responses		
Object	Comment	Support
Sport England	Landscape officer Tree protection officer Historic England	Natural areas officer

Main issues	Key considerations
1 Principle	Principle considerations for renewable energy proposals
2 Design and heritage	Impact upon setting of conservation area and nearby locally and statutory listed building.
3 Open space	Loss of open space used for sport and recreation.
4 Protection of community facilities	Loss of community facility
5 Trees, Landscaping and biodiversity	Protection of trees, impact on wider landscape and biodiversity enhancements
6 Transport	Impact on highway
7 Amenity	Impact upon neighbouring residents
8 Flood risk	Surface water flooding
Expiry date	12 November 2015
Recommendation	Approve subject to conditions and s106 agreement



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Planning Application No 15/01091/F

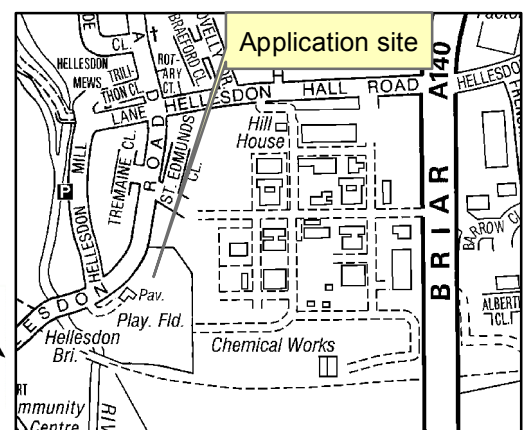
Site Address Briar Chemicals Ltd
Sweet Briar Road

Scale 1:5,000



NORWICH
City Council

PLANNING SERVICES



The site and surroundings

1. The 4 hectare application site is situated on the eastern side of Hellesdon Road between Hellesdon Hall Road and Marriot's Way. The application site is split into two sites. The northern section is the smaller of the two sites and is situated to the east of St Edmunds Close and to the north and west of Briar Chemicals. The southern section is the larger of the two sites and is situated to the west of Briar Chemicals and to the north of Marriot's Way and the river valley.
2. Both sites are situated within the security fenced area of Briar Chemicals. There is an access to the site via Hellesdon Road.
3. The surrounding area is mixed in terms of its uses. The site is situated in close proximity to industrial uses, residential and areas of open space. It is adjacent to the River Wensum/Marriott's Way habitat corridor.

Constraints

4. The smaller of the two sites (northern site) is situated within a defined employment area and HSE site. The northern site is also situated directly to the south of a statutory listed building and there are a few trees on site.
5. The larger site (southern site) is situated within an area of defined open space which was last used as a playing field. A small section of the site is situated within the Hellesdon Village conservation area. There are two bridges which are in close proximity to the site which are locally listed. There are many trees on the southern site which are mainly situated on the southern and western boundaries. Marriot's Way footpath is situated to the south of the site but due to vegetation and changes in levels the site is not visible from the footpath.
6. Both sites are situated within the HSE consultation zone.

Relevant planning history

7. The Briar Chemical site has an extensive planning history. None is of particular relevance to this application.

The proposal

8. The application seeks full planning permission for the provision of 6,080 solar panels and two service huts. The project will occupy two sites which total just under 4 hectares. The panels will be 2.5m in height and there will also be a need for two switchgear buildings of 2.5m in height and CCTV masts which will be no higher than 4m from the ground.
9. Electrical energy produced is expected to be about 1,750 MWh per year which is equivalent to fulfilling the power requirement of around 530 domestic properties.
10. The solar panels are designed to last for a minimum of 25 years.
11. The proposal will result in the loss of the playing fields (which are currently overgrown) and the loss of the clubhouse (which is currently boarded up).

Summary information

Proposal	Key facts
Scale	
Total no. of solar panels	6,080
Size of site	4 hectares (split over two sites)
Equipment footprint	1.1 hectares
Energy output	1,750 MWh per year
Height of panels	2.5m
Operation	
Operating hours	Continuous
Ancillary plant and equipment	Two service huts and CCTV posts
Transport matters	
Vehicular access	Via the existing gates on Hellesdon Road

Representations

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. No letters of representation have been received from the public.

Consultation responses

13. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Historic England

14. Initial comments - The occupation of this site with photovoltaic panels has the potential to harm the significance of the conservation area by development in its setting, in this case by the removal of a key buffer landscape that separates the industrial estate from the conservation area. Key views into and from the site have not been fully assessed and as a minimum a visual impact analysis of the proposals and consideration of views towards and from the conservation area should be undertaken. As the application stands we would currently not support it.
15. Comments after receiving the Landscape and visual impact statement – there is still concern with the industrial use of the field which currently separates the industrial

area from residential; however on balance we would not object to the application as the harm would be considered to be of a low level.

Landscape

16. A plan is required showing proposed planting of hedge, tree species, willow coppices, grass seeding, etc and an analysis of the visual effects of the proposed scheme is also required. The use of native wild flower seeding is welcomed as are the maintenance arrangements to promote a diversity of sward type. Management of the planting proposals and grass swards should be submitted. An indication of what will happen when the site is ultimately restored will be required.

Sports England

17. Whilst Sport England is supportive on principle of the approach to develop this site and secure contribution towards qualitative improvements to alternative community playing fields, Sport England objects to the application in its current form as it would require a minimum contribution of £95,000 to be secured to support the application. This would be used to implement the qualitative improvements to community pitches at Sloughbottom Park, plus make a significant contribution towards enhancement or replacement of the changing facilities at that site.

Natural areas officer

18. Provided that the proposed ecological mitigation and enhancement measures are effectively implemented, it is likely that there would be a net increase in the site's overall biodiversity value.

Hellesdon Parish Council

19. No comment to make on application.

Tree protection officer

20. Whilst the proposed solar panels will not have a direct impact on the existing trees on the boundary of the site, there is some concern that access needed to facilitate the proposed development could impact on the roots and lower limbs of the tree. A tree survey, Arboricultural Impact Assessment and Tree Protection Plan should be submitted.

Anglian Water

21. No comment received

Health and Safety Executive

22. Do not advise against

Assessment of planning considerations

Relevant development plan policies

23. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**

- JCS1 Addressing climate change and protecting environmental assets
- JCS2 Promoting good design
- JCS3 Energy and water
- JCS12 The remainder of the Norwich urban area including the fringe parishes
- JCS20 Implementation

24. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM4 Providing for renewable and low carbon energy
- DM6 Protecting and enhancing the natural environment
- DM7 Trees and development
- DM8 Planning effectively for open space and recreation
- DM9 Safeguarding Norwich's heritage
- DM16 Employment and business development
- DM22 Planning for and safeguarding community facilities
- DM30 Access and highway safety
- DM33 Planning obligations and development viability

Other material considerations

25. Relevant sections of the National Planning Policy Framework March 2012 (NPPF):

- NPPF0 Achieving sustainable development
- NPPF7 Requiring good design
- NPPF10 Meeting the challenge of climate change, flooding and coastal change
- NPPF11 Conserving and enhancing the natural environment
- NPPF12 Conserving and enhancing the historic environment

Case Assessment

26. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

27. Key policies and NPPF paragraphs – DM4, JCS3, NPPF paragraphs 95-98.
28. The application seeks planning permission for the installation of 6,080 photovoltaic panels which is expected to generate 1,750 MWh per year. The energy generated would be equivalent to fulfilling the power requirements of around 530 domestic properties.

29. For renewable energy proposal such as this, policy DM4 of the local plan is of particular relevance. Policy DM4 sets out that renewable energy generation schemes will be strongly promoted and encouraged where reasonably practicable. It sets out that the principle would be acceptable where the scale, siting and cumulative effects would not have a significant adverse impact on neighbouring uses or amenity, visual amenity (particularly from sensitive viewpoints), environmental and heritage assets and highway safety.
30. The proposals would represent a form of renewable energy generation, which would help to reduce carbon emissions and demonstrate a response to climate change adaptation. As such the principle of the proposals is supported, in accordance with policy DM4, subject to the following planning considerations, including regard to the loss of open space and sports facilities.

Main issue 2: Design and heritage

31. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 9, 17, 56, 60-66 and 128-141.
32. The site is situated adjacent to the Hellesdon Village conservation area. Historic England initially raised concerns that the proposal has the potential to harm the significance of the conservation area by development in its setting and that views into and from the conservation area will be affected by the proposal. The applicants submitted a Landscape and Visual Impact Assessment in an attempt to address these concerns. Upon receipt of this additional information Historic England have set out that they no longer object to the application as the level of harm to the conservation area will be low.
33. It is acknowledged that the provision of solar panels will largely remove the existing greenspace between Briar Chemicals and the conservation area; however it also needs to be acknowledged that the site is barely visible from the conservation area or any public highway or viewpoint (including Marriot's Way). A view can be obtained into the site through a gate to the south of 152 Hellesdon Road but as part of the proposal additional screening is provided which would mean that no public views could be obtained into the site in summer months and only limited views could be obtained in winter months. In addition the panels are sited adjacent to the Briar Chemicals plant which has an industrial character featuring large industrial buildings and pipework. The photovoltaic panels of the scale proposed would be visually appropriate within this context, particularly given the screened character of the site.
34. As such although the development is within the setting of the conservation area it is the officer's opinion that the impact upon the conservation area will be minimal and would be visually appropriate within the context of the surrounding site. As such the proposals would result in only minimal, less than substantial harm to the conservation area. In accordance with paragraph 134 of the NPPF, officers have weighed this harm against the benefits of the scheme in terms of renewable energy, biodiversity, and a financial contribution towards sports improvements. Notwithstanding the need to give special regard to the desirability of preserving or enhancing the character and appearance of the conservation area it was considered that the proposed benefits would outweigh the minimal harm to the conservation area, in accordance with aforementioned heritage policies.

Main issue 3: Open space

35. Key policies and NPPF paragraphs – DM3, NPPF paragraphs 73-74.
36. The proposal will result in the loss of open space which was used for sport and recreation for employees at Briar Chemicals. Due to security requirements of the chemical works the playing fields, changing facilities and clubhouse were available for use by staff, their families, and a limited number of members from the surrounding area, but not to the general public.
37. Policy DM8 of the local plan is of particular relevance as this policy seeks to protect existing open space. This policy does not distinguish between open space which is in use for the general public or private open space. The policy sets out that development leading to the loss of open space which is used primarily for sport or recreation will only be permitted where the proposal would result in an overall qualitative or quantitative improvement to recreational facilities (either within the open space or on an alternative accessible site in the locality) and that the benefits to sport or recreation would outweigh the loss of that open space. In addition the proposal should not cause significant harm to the amenity or biodiversity value of the open space, the site should no longer be required for its intended purpose and there should be no reasonable practicable means of restoring or re-using it for an alternative form of open space.
38. In this instance the sports club and facilities were popular in the 1970s and 1980s, when the employees at the chemical works numbered approximately 1000. However use has declined significantly in recent years, as the number of employees at the works has declined to the current level of 220. Efforts have been made to increase membership from the surrounding community but this generated only a small number of additional members. As such the use of the clubhouse and playing fields ceased circa spring 2014. The field has become overgrown and the club house is derelict. Briar Chemicals have no intention of bringing the facility back into use and due to the field needing to remain within the security fence of the chemical works there is no prospect of it being sold or rented out to any other sports clubs.
39. The applicant has offered to help improve the football facilities at Sloughbottom Park through a financial contribution and in principle this could satisfy the requirements of policy DM8. The contribution would however need to be at a level where a suitable replacement playing field is provided in terms of quantity and quality. In this instance the existing playing field contains a senior football pitch but also has the capacity to site, as a minimum, a mini soccer pitch to the north of the senior pitch. Using Sport England's Facility Cost Guide for 2015, the cost of providing a new/replacement senior football pitch would be £75,000 whilst a mini football pitch would be £20,000. Sport England has therefore indicated that a minimum contribution of £95,000 is required for them to be able to support the proposal. This would then allow qualitative improvements to be made to the community pitches at Sloughbottom Park and would also make a significant contribution towards enhancing or replacing the changing facilities at the park. It is considered that such a contribution would be directly relevant to the loss of sporting facilities at Briar Chemicals and would be used to deliver priority projects identified in a robust and up to date evidence base (the Greater Norwich Playing Pitch Strategy). It is the officer's view that a contribution of £95,000 would satisfy the requirements of policy DM8.

40. The applicant has however stated that they are only able to offer a figure of £15,000 to be used for improvements at Sloughbottom Park and a contribution of more than this would make the scheme unviable. A viability assessment has not been submitted with the application although the developer has indicated that £15,000 is approximately 30% of the potential project value with the remainder of the expenditure going towards planning costs, legal costs, and the preparation of specialist reports. As such the Council needs to make a decision on whether the environmental and ecological benefits outweigh the loss of a sports field and associated facilities, given that the financial contribution is less than a sixth of that which would satisfy the requirements of policy DM8 of the local plan.
41. The officer's opinion is that there are clearly significant environmental and ecological benefits to the proposal and although the loss of a playing field without being able to secure adequate alternative provision is extremely regrettable, the benefits in this particular instance do outweigh the loss. This conclusion has been reached as there is no intention of the site being used anymore as a sporting facility for employees of Briar Chemicals and due to the security measures on the site there is no prospect of it being sold or rented to other sport clubs. A contribution of £15,000 will not enable all the improvements to be undertaken at Sloughbottom Park but it will help contribute towards the required pitch improvements. Refusing the application will result in no environmental or ecological benefits, will not help retain useable sports facilities on site or will not help contribute towards pitch improvements elsewhere. Therefore it is considered that there is a justified reason for allowing a proposal contrary to policy and contrary to the advice of Sports England in this particular instance.

Main issue 4: Protection of community facilities

42. Key policies and NPPF paragraphs – DM22
43. The proposal will result in the loss of an existing community facility as the proposal includes the demolition of the former Briar Chemical's clubhouse and sporting facilities. As such policy DM22 is of relevance.
44. This policy sets out that the loss of existing community facilities will only be permitted where adequate alternative provision exists within 800m walking distance or it has been demonstrated that it would not be economically viable, feasible or practicable to retain the building for its existing use and evidence has been provided that the property has been marketed for a meaningful period and there is no realistic interest in its retention for the current use.
45. In this case there are other community facilities within walking distance such as Hellesdon Parish Hall on Low Road and the Marlpit community centre on Hellesdon Road. It should also be noted that due to the security requirements of Briar Chemicals the facility was only used by employees of the chemicals works, their families and a limited number of members from the local area, but is not accessible by the general public. Due to the site needing to remain within the security fence of Briar Chemicals it is not likely to be feasible or practicable to sell the club house or sporting facility for an alternative community facility. As such it is considered that the proposal satisfies the requirements of policy DM22.

Main issue 5: Trees, Landscaping and biodiversity

46. Key policies and NPPF paragraphs – JCS1, DM3, DM6, DM7, NPPF paragraphs 9, 17, 56, 109 and 118.
47. There are a number of trees on site and although the tree officer is satisfied that the proposed photovoltaic panels will not have a direct impact on the existing trees on the boundary of the site, he does have some concern with the required access necessary to facilitate the proposed development and the implications on the roots and lower limbs of the trees. Given this it is necessary for a tree survey, Arboricultural Impact Assessment and Tree Protection plan to be submitted. This can form a condition of any future consent.
48. With regards to landscaping in many cases a solar farm in a semi-urban area could be considered to be visually intrusive. In this case however due to the level of screening provided by mature trees, shrub vegetation and the changes in levels it is not considered that the proposal will have a significant impact upon the landscape, including from sensitive viewpoints such as Marriot's Way, the river valley or the conservation area. Notwithstanding the above, insufficient landscaping details have been provided as part of the application and therefore a further landscaping plan should form a condition of any future consent. A planting plan should be submitted which indicates the areas for planting, grass seeding, species used, size of stock, planting densities, ground preparation and plant protection.
49. It is proposed to develop a full ecological management/enhancement plan to ensure that the site is managed in such a way that it provides an ecological benefit to the area. Proposals include reseeded the area with a nectar rich wildflower mix, having short sward grass between the rows of panels and tall grassland under the panels. It is also recommended that the areas not used for panels are planted with short rotation coppice of willow and bird nesting boxes could be mounted on an elevated position. Norwich City Council's natural area officer has commented that provided that the ecological mitigation and enhancement measures are effectively implemented then there should be a net increase in the site's overall biodiversity value. The site is adjacent to the River Wensum/Marriott's Way habitat corridor so the proposed ecological enhancements are likely to be of greater value than had this been an isolated site. A condition should be attached to any future permission requiring a full ecological management/enhancement plan including programme of implementation and long term management.

Main issue 6: Transport

50. Key policies and NPPF paragraphs – JCS6, DM28, DM30, DM31, NPPF paragraphs 17 and 39.
51. No alteration will be made to the existing site access which is off Hellesdon Road with this access being used for both construction and ongoing maintenance. It is not considered that the proposal will give rise to any significant highway issues.

Main issue 7: Amenity

52. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 9 and 17.
53. The development will not generate any noise except on hot summer days when the temperature exceeds 30 degrees. On such days, cooling fans in the inverters will

be automatically activated to control the temperature inside the inverter. At a distance of 1 metre the cooling fans will be 79dBA. Due to the distances involved it is not considered that the proposal will impact upon the living condition of any neighbouring residents taking into consideration noise.

54. It is acknowledged that the panels may be visible at first floor level to residents of St Edmunds Close and 152-154 Hellesdon Road; however it is not considered that the panels will impact upon their living conditions.

Main issue 8: Flood risk

55. Key policies and NPPF paragraphs – JCS1, DM5, NPPF paragraphs 100 and 103.
56. The site is situated within flood zone 1 but given the size of the site a flood risk assessment has been submitted which considered the issue of surface water runoff.
57. The panels and associated equipment will only occupy around a quarter of the site and the panels will be angled at 25 degrees so water will runoff to the south of each row. The areas between, under and surrounding the panels will be grass strips with wild plants. As such it is not considered that the proposal will increase surface water runoff.

Other matters

58. The following matters have been assessed and considered satisfactory and in accordance with relevant development plan policies, subject to appropriate conditions and mitigation:
- An Anglian Water sewer runs through the site. No panels will be installed on top of this pipeline. Anglian Water have been consulted on the proposal but no comments have been received.

Equalities and diversity issues

59. There are no significant equality or diversity issues.

S106 Obligations

60. A s106 agreement will be required in order to secure a £15,000 contribution towards pitch and changing facilities at Sloughbottom Park.

Local finance considerations

61. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
62. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.

63. In this case local finance considerations are not considered to be material to the case.

Conclusion

64. The principle of the solar farm is considered acceptable as it is considered that the scale, siting and cumulative effects would not have a significant adverse impact on neighbouring uses or amenity, visual amenity, environmental and heritage assets and highway safety. The proposal will however result in the loss of a former playing field and club house and although the principle of providing a contribution towards improvements at Sloughbottom Park is acceptable, the contribution is not large enough to fully compensate for the loss of a senior football pitch.
65. It is however the officer's opinion that the environmental and ecological benefits of the proposal outweigh the loss of the playing field particularly as there is no intention of the site being used anymore as a sporting facility for employees of Briar Chemicals, there is no prospect of the site being sold or rented to other sport clubs and as a contribution of £15,000 would help contribute towards the required pitch improvements at Sloughbottom Park. Therefore it is considered that there is a justified reason for allowing the proposal contrary to policy and contrary to the advice of Sports England in this particular instance.

Recommendation

To approve application no. 15/01091/F - Briar Chemicals Ltd, Sweet Briar Road, Norwich NR6 5AP and grant planning permission subject to the completion of a satisfactory legal agreement or unilateral undertaking for a contribution of £15,000 towards football pitch improvements and changing room facilities at Sloughbottom Park and subject to the following conditions:

1. Standard commencement time limit;
2. Temporary consent for 30 years. All materials and equipment to be removed and land restored to its former condition in accordance with a scheme of work to be approved by the LPA.
3. Not less than 12 months prior to temporary consent expiring or the cessation of electricity production from the solar panels, a scheme of works of the decommissioning of the solar farm shall be submitted.
4. In accordance with plans;
5. Tree survey, AIA, TPP to be submitted and approved prior to development commencing
6. Additional landscaping and biodiversity plan to be submitted prior to development commencing.
7. No external lighting unless a scheme is agreed

Informatives:

- 1) Construction hours

Article 35(2) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national

planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the officer report.

SYSTEM INFORMATION

Field 1

Modules:

Hanwha 310Wp
(1966x977x45) x 4080

System Size:

4080 x 310Wp = 1.265MWp

Field 2

Modules:

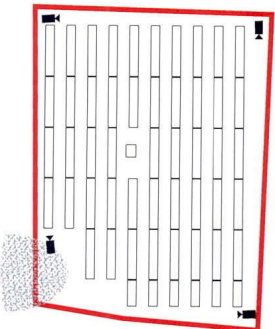
Hanwha 310Wp
(1966x977x45) x 2000

System Size:

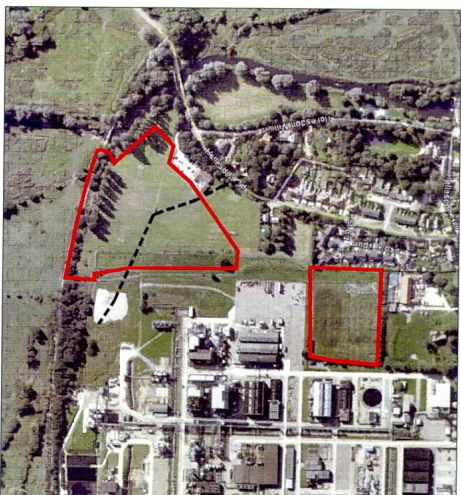
2000 x 310Wp = 620KWp

Total System Size 1.885MWp

Proposed PV Array Field 2
Scale: 1:2000



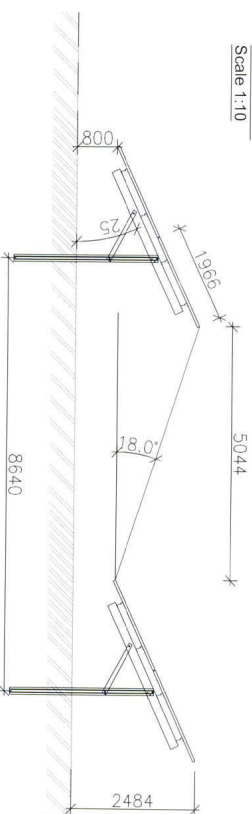
Overall Aerial View
Scale: 1:35000



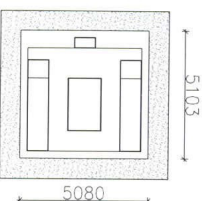
Proposed PV Array Field 1
Scale: 1:2000



Table Details
Scale 1:10



Switchgear Building Details
Scale: 1:200



NOTES:

1. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.
2. THIS PV ARRAY IS BASED UPON A DESKTOP SURVEY AND IS THEREFORE SUBJECT TO A FULL SITE SURVEY BY IKAROS SOLAR.
3. SITE ASSUMED NEAR LEVEL AND FREE OF UNDERGROUND SERVICES EXCEPT AS SHOWN.

LEGEND

Boundary

Full Table of 40 Modules

Shading

Private Switchgear Building

Anglian Water Sewer run

CCTV Camera

28 JUL 2015
Planning Services

20 JUL 2015
Organisational Development
Post Room

Rev.	Modifications	By	Date
C	CCTV Added	TD	2407
B	CAPACITY INCREASED	TD	0607

Client

Project

Briar Chemicals

Stage

Initial Design

Title

PROPOSED PV ARRAY

Scale

As Shown @ A3

Surveyed	Drawn	Checked	Date
TD	TD	MJC	060715

IKAROS SOLAR

Technium Springboard

Llantarnam Park

Cwmbran

NP44 3XF

Tel.: 01633 647 980

Email: info@ikaros-solar.co.uk



Drawing No.

1479_B_001

Revision

C