

Planning Committee

21 July 2023

Agenda item number 7.1

BA/2023/0127/FUL- Ormesby- Broadland Nurseries- Change of use from nursery and garden centre to caravan and camping site

Report by Senior Planning Officer

Proposal

Change of use from nursery and garden centre to caravan and camping site

Applicant

Mr B and Ms G Miller

Recommendation

Refusal

Reason for referral to committee

The application is a major application based on the area of the site.

Application target date

17 July 2023

Contents

1.	Description of site and proposals	2
2.	Site history	2
3.	Consultations received	3
	Parish Council	3
	Environment Agency	3
	Norfolk County Council (NCC) Highways	3
	Broads Internal Drainage Board	5
	Essex and Suffolk Water	6
	Natural England	7
	BA Ecology	9
	Planning Committee, 21 July 2023, agenda item number 7.1	1

4.	Representations	9
5.	Policies	10
6.	Assessment	10
	Principle of development	11
	Ecology and Protected Species	12
	Nutrient Neutrality and Environmental Issues	13
	Highways	13
	Flood risk	14
	Other Issues	14
7.	Conclusion	15
8.	Recommendation	15
	Appendix 1 – Location map	17

1. Description of site and proposals

- 1.1. The site is situated on the western side of the village of Ormesby St Michael which is located approximately 3 miles from the east coast of Norfolk, to the north of Great Yarmouth.
- 1.2. The existing plant nursery and garden centre site is located on the southern side of the main A149 road which runs east to west. To the west of the site is Rollesby Broad and to the north, south and east are residential areas of the village.
- 1.3. Broadland Nurseries has been operating from the site since the 1940s where it began as a market garden and the site consists of a variety of plant growing and propagation areas including greenhouses and polytunnels. At the northern part of the site lies the applicant's bungalow, a single storey brick building previously run as a café and a large agricultural type building which houses agricultural machinery. Over time, less of the greenhouse areas have been used for the business and many (approximately 50%) are now unused.
- 1.4. The application seeks planning permission for the change of use of part of the site to a campsite. An indicative plan has been included in the application which shows a proposed layout of 8 tent pitches, 19 touring caravan pitches and 4 lodges. Access from the A149 would remain the same. The former café building could potentially be used as a reception area and a new WC/Shower block is shown in the centre.

2. Site history

- 2.1. BA/2006/0914/HISTAP Standing of a caravan. Approved.

- 2.2. BA/2006/0942/HISTAP Standing of a caravan. Refused.
- 2.3. BA/2000/0605/HISTAP Change of use of museum of agricultural collection to extension of general sales area of garden centre. Approved.
- 2.4. BA/1991/0063/HISTAP Propagation, poly tunnels, agricultural store and workshop, extension to car park and associated site works. Approved.
- 2.5. BA/1990/3066/HISTAP Bungalow. Approved.
- 2.6. BA/1989/3152/HISTAP Bungalow. Approved.
- 2.7. BA/1989/3116/HISTAP Clearing site, raising part ground level and preparing same for extension to garden centre. Approved.

3. Consultations received

Parish Council

- 3.1. Ormesby St Michael Parish Council holds concerns regarding the additional pressures placed upon the village sewerage capacity by this development and requests that this application is put before Development Control as it constitutes a significant development.

Environment Agency

- 3.2. We have reviewed the documents as submitted and we have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility.
- 3.3. Our maps show the site lies within tidal Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for a change of use from a nursery and garden centre to a holiday let site with four lodges, caravans and camping site with a storage barn, W/C and shower block, which is classified as a 'more vulnerable' development, as defined in Annex 3: Flood Vulnerability classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site-specific Flood Risk Assessment (FRA).
- 3.4. An emergency flood plan has been provided by the applicant. You should ensure you are satisfied with this very low residual flood risk to the proposed development and with the ability of evacuation to ensure that the inhabitants of the development are not exposed to flood hazards.

Norfolk County Council (NCC) Highways

- 3.5. Raise a holding objection, pending receipt of further information.

I am clearly minded of the present permitted use(s) of the site, and notwithstanding that the present horticultural use may have declined in recent years, that use remains and as such could be re-established. It is noted that the application seeks to diversify the use of the site whilst retaining a small element of horticultural use.

- 3.6. No traffic data or Transport Statement has been submitted so it is not possible to directly assess the effect of the proposed development against current permitted use. However, I am minded that the proposed use, along with the retained extant use(s), is likely to give rise to an increase in traffic movements albeit the nature of the traffic would potentially change in part.
- 3.7. I am minded that vehicles turning right into the development will include a high proportion of towed caravans/trailers, which whilst accepting they will primarily be retained on site during the course of their pitch, nevertheless there is no dedicated right turn provision on the A1064 Main Road, which is subject to local speed limit of 40mph and is classified as a Main Distributor Route within the County Council's Route Hierarchy. Whilst it would appear that forward visibility to the access accords with current standards (although not demonstrated) clearly any disruption or stacking can impact of free-flow conditions and/or contribute to detrimental highway conditions. No access changes are proposed to mitigate for this, nor justification why not.
- 3.8. Likewise, it appears that limited service provision would be included but neither any provision to link to local tourist attractions in the area using more sustainable modes of transport as opposed to the private motor vehicle. As such the proposals would more than likely be used as a base with vehicle trips being generated for clientele travelling for the basics of daily living (including food deliveries) and further afield to wider tourist attractions, etc. It is accepted that this is part of tourism and that some of these trips would be linked trips, but nevertheless are as a result of the proposed development and appropriate mitigation should be duly considered.
- 3.9. The present storage unit building (presumably associated with the horticultural use) is also shown for retention and whilst noting it is presently accessible directly from the A143, it is currently possible to access it from the main site without the need to use the A149. Clearly the proposed layout would remove any direct internal access increasing direct access and turning movements onto the A149 via closely associated points of access. It is not stated why the storage unit is not being relocated so that direct internal access can be achieved which would then enable two points of access to be closed off with a single point of access serving the development as whole and may provide better utilisation of the site and access requirements.
- 3.10. It is stated that the present café would be retained at a reduced in scale but will be subject to a further application. It is not state whether or not that use would be available for the general public, but it is presumed it would as I suspect it would be difficult to restrict that use. It is considered that in terms of access and car parking provision, this is a consideration to the present application proposals and should be duly considered as such to ensure appropriate is provision, especially for parking is provided at this time.
- 3.11. The submitted plans show reference to a "residential" use on the land, which is referenced for the retained horticultural use, yet the application make no reference in

this respect. Clearly if the intention is to consider longer term residential use this could affect the access requirements and, even if not part of this application, it is considered that it would be appropriate to consider the overall access strategy at this time.

3.12. Accordingly, I would request additional information and clarification of some aspects (raised above), as follows:

- A Transport Statement detailing existing and proposed traffic movements, public transport accessibility, etc.
- Mitigation for the effects of the development including (but not limited to), access improvements to cater for stacking/right turning vehicles, footway links and crossing facilities to existing provision; provision for promoting and encouraging sustainable local journeys without the reliance on the private motor vehicles.
- Relocation and closure of accesses to storage unit if associated with horticultural use to permit direct access, or information detailing its retention in the present location along with possible internal access options.
- Parking provision for café use in accordance with current guidance and for clientele booking in/out in so as to not block access and egress that could result with queuing/stacking on the public highway.
- Clarification on the “residential” reference on the retained horticultural part of the site.
- Clarification of whether the retained horticultural use would have any public access/sales and if it does demonstrate adequate parking provision for the intended use in accordance with current guidance.

Upon receipt of the above information/clarifications, I will be able to give further consideration to this application and to respond accordingly.

Broads Internal Drainage Board

3.13. The site is within the Internal Drainage District (IDD) of the Broads (2006) Internal Drainage Board (IDB) and therefore the Board’s Byelaws apply. Whilst the Board’s regulatory process (as set out under the Land Drainage Act 1991 and the Board’s Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

3.14. The Board’s Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

3.15. As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application.

Essex and Suffolk Water

- 3.16. We object to the application as submitted because of the increased risk to water quality in our broads which are a public water supply and the risk of damage to the neighbouring European protected site which we own.
- 3.17. The application identifies that the land falls westwards from the site and towards a dyke that drains to Rollesby Broad. It also identifies that the groundwater level is generally aligned to that of the broad and is therefore presumably in continuity with it. From a catchment perspective the concerns relate to both the surface and foul sewage from the proposed development.
- 3.18. The conclusion states that the proposed change will reduce the amount of surface run-off and give rise to a resultant increase in water quality. The current run-off is from uncontaminated roofs and buildings and the while the volume may be reduced from the development the quality of it may not. The conversion of a large area to a camping site with hard stranding and the attendant driveways and other infrastructure capable of accommodating at least 31 vehicles does not necessarily give rise to an increase in water quality. All vehicles can (and sometimes do) drip oils and other fluids, which can either enter surface drains at times of rainfall or groundwater if allowed to percolate into the unpaved areas. Also, the effluents from the use of barbeques and associated washing of cutlery and plates etc may easily find its way to either drainage pathway. Adjacent to the east of the site is an area of land that used to be a petrol station. It ceased that use in the 1950's and was demolished in 1980's. If there were work pits, oil sumps, petrol storage areas under ground then the site may be contaminated, and this could have migrated with the fall of the land to the current Broadland Nurseries site. The construction of the proposed development will involve considerable digging to instal electric hook-ups etc and could both disturb contaminated land and create a pathway to the broad. It may not be an issue, but it needs to be considered. There is no mention of interceptors being installed to capture any contaminants from surface run-off and it assumes that all will either soak away or run through French drains to the broad free from any possible contaminants from vehicles or people. This needs to be addressed.
- 3.19. Regarding foul drainage the conclusion refers to a 'small increase over and above that from the existing café and will make no measurable difference to the flow in the public foul sewer. The amount of sewage from a café at a garden centre that is frequented by the public during working hours is likely to be massively less than that which will arise from the proposed development. 31 pitches can easily accommodate at least 62 people who will be using the toilet block as their sole and primary facility for all bodily functions. Moreover, they may also wish to empty any on-board chemical toilets that they have in their RVs and caravans. It is possible that they could use 100lt/day per person which could be 6 M³ per day. I would like confirmation from the sewerage undertaker (Anglian Water) that they are happy to add this volume to the current main

and that they have the pumping capacity to move it to the WWTW at Caister. Without this assurance there is a risk of pollution to our water.

- 3.20. We note Natural England's response to this application and agree with their comments regarding the need for appropriate assessment. As owners of the protected site, we have a legal duty to protect it and would request to be consulted as part of any appropriate assessment.
- 3.21. Natural England also gave advice regarding protected species. We have concerns that this proposed development could negatively affect protected species on our land and water. For example, light and noise pollution if not properly considered and mitigated for. The Site of Special Scientific Interest (SSSI) features could similarly be negatively affected by light and noise.
- 3.22. There is no access right to the water from the land in this proposed development. Given the type of development, we have concerns over the likely increase in trespass onto our water / land if this is approved. Such trespass, for example onto the water in inflatables or canoes, would disturb breeding birds, protected species and waterfowl that currently use the tranquil protected site. Trespass also increases the risk of spreading invasive non-native species (INNS). The Trinity Broads has recently suffered from the introduction of killer shrimp and so any uncontrolled access to the water would spread this damaging animal further and risk new INNS being introduced to the protected site.
- 3.23. We would request that suitable mitigation is agreed to address our concerns above, that an appropriate assessment is completed, and that agreed mitigation forms conditions in any granted planning permission.

Natural England

3.24. **Habitats Regulations Assessment - Recreational Impacts on European Sites**

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS'). It is anticipated that certain types of new development (including new tourist accommodation) in this area is 'likely to have a significant effect' on the sensitive interest features of these European designated sites, through increased recreational pressure when considered either alone or 'in combination' with other plans and projects.

- 3.25. The GIRAMS has been put in place to ensure that this additional recreational pressure does not lead to an adverse effect on European designated sites in Norfolk. The strategy allows effective mitigation to be implemented at a strategic level, so that the relevant councils, Natural England and other stakeholders are able to work together to provide the best outcomes for the designated sites. It also has the benefit of streamlining the process, so reducing the amount of time taken to process individual planning applications for the councils and Natural England.

- 3.26. Natural England worked collaboratively with all the relevant councils to set up the strategy. We fully support the aims of the strategy; in our view it is the best way to provide appropriate avoidance and mitigation measures for the European sites in question. As such, we advise that a suitable contribution to the Norfolk GIRAMS should be sought from this development to ensure that the delivery of the GIRAMS remains viable. If this does not occur then the tariff in the adopted GIRAMS will need to be increased to ensure the GIRAMS is adequately funded.
- 3.27. Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, will need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).
- 3.28. This is because Natural England notes that the 2018 *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can, however, be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.
- 3.29. Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make or the decision recorded as per an agreed approach.

3.30. **Water quality/nutrient neutrality advice**

This proposal potentially affects European Sites vulnerable to nutrient impacts. Please refer to Natural England's overarching advice dated 16th March 2022 and sent to all relevant Local Planning Authorities.

- 3.31. When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts. For large scale developments, Natural England may provide advice on a cost recovery basis through our Discretionary advice service.

3.32. All queries in relation to the application of this methodology to specific applications or development of strategic solutions will be treated as pre-application advice and therefore subject to chargeable services.

3.33. **Site of Special Scientific Interest (SSSI)**

Providing appropriate mitigation is secured to avoid impacts upon the European site(s) occurring there should be no additional impacts upon the SSSI interest features. Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

3.34. **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

BA Ecology

3.35. Before comments can be made the following information is needed for this application:

- **An ecological survey of the site** – Survey should include bat, bird and reptile surveys.
- **A lighting plan** – To address lighting pollution and to include proposed lighting fixtures, timers, bulbs being used.
- **A water strategy** - recommend this strategy include a plan demonstrating how the surface water flows will be managed on the site.
- **Pollution prevention plan** - there is potential risk of pollution through accidental spillage events. Therefore, a plan detailing the control and prevention of potential pollution risks is required.
- **Construction Environment Management Plan (CEMP)** - to address noise and vibration disturbance.

4. Representations

4.1. Representations have been received from 12 households in the locality. Summary of comments:

- The village has no facilities

- Increase of cars in the area
- Road safety concerns
- Nutrient neutrality issues
- Flood risk
- Biodiversity concerns
- Noise and light pollution
- No need for another campsite in the locality
- Adverse impact on the character of the village
- Impact on the amenity of residential properties
- Surface water disposal concerns
- Drainage concerns
- With better investment the garden centre could thrive

5. Policies

5.1. The adopted development plan policies for the area are set out in the [Local Plan for the Broads](#) (adopted 2019).

5.2. The following policies were used in the determination of the application:

- DM2 Water Quality & Foul Drainage
- DM6 Surface Water Runoff
- DM13 Natural Environment
- DM16 Development & Landscape
- DM21 Amenity
- DM22 Light Pollution and Dark Skies
- DM23 Transport, Highways & Access
- DM26 Protecting General Employment
- DM29 sustainable Tourism and Recreation Development
- DM30 Holiday Accommodation- new provision and retention

6. Assessment

6.1. The proposal seeks planning permission for a change of use of part of the nursery site to a campsite. The main considerations in the determination of the application are the principle of the development, impact on the character and appearance of the area, amenity, biodiversity, highway impacts and drainage.

Principle of development

- 6.2. The current site includes former horticultural nursery buildings with an element of storage, a garden centre, café building and parking areas. It is classed as an employment site. Employment sites are somewhat limited within the Broads Executive Area, and the policy approach is to ensure that new and existing businesses are not constrained by a lack of suitable sites. Policy DM26 of the Local Plan for the Broads seeks to protect existing employment sites by using a sequential approach whereby there is a hierarchy of preferred alternative uses. This requires an applicant to consider reuse in another employment use first, and only where that is proven to be unviable, can community and recreation uses be considered.
- 6.3. To implement this approach, Policy DM26 requires that applications for change of use of employment sites be accompanied by a statement, completed by an independent chartered surveyor, which demonstrates that employment uses are not viable. The statement should provide an assessment of the current and likely future market demand for the site or property, and details of the attempts to market it at a reasonable price or rental rate for a sustained period of 12 months, and its value. It should demonstrate that all available opportunities of grant funding and financial support to help retain the employment use have been fully explored and that none are viable, and that interventions to improve the attractiveness of the site for employment uses are not feasible. It should also justify the need for the alternative proposed use in this area and show how the proposed redevelopment would not compromise the primary employment function of the site or area or the operations of neighbouring users.
- 6.4. It is noted that individual buildings on this site have apparently been marketed (although there is no evidence of this in the submission), however the site as a whole has not been marketed recently to see if there is the possibility of another business using the site for an employment use. In fact, the Design & Access Statement advises that the applicant does not wish to sell the site. Until there is evidence to prove that the site has been marketed at a reasonable price for a sustained period of 12 months and that all other employment uses are unviable, the proposal for a change of use is contrary to Policy DM26 of the Local Plan for the Broads and the proposal cannot be supported.
- 6.5. Whilst the Broads Authority supports the development of opportunities to improve the visitor economy, the objective of Policy DM29 of the Local Plan for the Broads is to direct tourism and recreational development to appropriate and sustainable locations with the necessary infrastructure and facilities. Criterion (a)(i) seeks to direct such development to sites within development boundaries or locations associated with existing visitor or tourism activities. Despite what is stated in the Design & Access statement (page 3), the application site is not within a defined development boundary, nor is it associated with an existing visitor or tourism facility. The proposal does not comply with this element of the policy.

- 6.6. Criterion (a)(ii) requires that the development must be satisfactorily accessed by sustainable means, which could include public transport, walking, cycling, horse riding or by water. The site's nearest train stations are in Great Yarmouth which is 7 miles away or in Acle approximately 8 miles away, and although the nearest bus stop is outside of the site, the bus only operates on weekdays, where there are 5 buses per day, and this cannot be considered to represent a service which offers a realistic alternative to the private car. Given the limited level of facilities offered at the site, and the need to bring in provisions due to the location, it is considered more likely therefore that visitors to the site will in most cases arrive by car and use their cars daily to access nearby visitor facilities such as attractions, restaurants etc. It is not considered that the proposal therefore meets this part of criterion (a).
- 6.7. The additional parts of criterion (a) require that (iii) the proposal is in accordance with other policies in the plan and (iv) that they do not involve a significant amount of new build development, with any new build development being of a scale that is compatible with the location and setting. This application proposes use of the site as a campsite for tents, tourers but also with new build lodges and a new facilities block. No evidence that conversion of existing buildings has been considered has been submitted with the application and that would always be preferable within the Broads Executive Area.
- 6.8. Finally, criterion (a)(v) requires that the development should not adversely affect a range of environmental factors, including water quality, landscape character, historic environment, protected species or habitats and should where possible make a positive contribution to these factors. The impact on these elements is discussed in detail in the specific sections below but in summary it is concluded that the requirement is not wholly met.
- 6.9. In the second part of DM29, criterion (b) sets out the principles of sustainable tourism and recreation. A number of these requirements are satisfactorily met, and these are on-site parking (vii), high quality design suitable for the setting (ix), no adverse impact on navigation (x) and for the scale of the proposals to be compatible with the location (xi).
- 6.10. There are concerns, however, when considering the proposal against the remaining parts of the policy covering sufficient capacity of the highway network (vi) and dealing with landscape character and protected species (viii). These issues are discussed in detail in the specific sections below but overall, it is considered that these parts of Policy DM29 are not wholly met.
- 6.11. Overall, therefore, the proposal is contrary to Policies DM26 and DM29 of the Local Plan for the Broads and the principle of the development is not acceptable.

Ecology and Protected Species

- 6.12. Protecting and enhancing the natural environment is a statutory purpose of the Broads Authority and Policy DM13 of the Local Plan for the Broads seeks to protect and enhance biodiversity. The BA Ecologist has requested that an ecological survey of the

site, a lighting plan, a water strategy, a pollution prevention plan, and a Construction Environment Management Plan (CEMP) be provided in order that they can fully assess the proposal and its impacts on the natural environment. These have not been provided and the agent has confirmed that he does not intend to supply these. It cannot therefore be concluded that the proposed development would not have an adverse impact on the natural environment and the proposal is therefore contrary to Policy DM13 of the Local Plan for the Broads.

Nutrient Neutrality and Environmental Issues

- 6.13. Nutrient neutrality requires that competent authorities under The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) carefully consider the nutrient impacts of projects on sites designated as of European importance, and, if there are likely to be impacts, whether those impacts may have an adverse effect on the integrity of the European site which requires mitigation. In this case, the Trinity Broads (Rollesby, Filby and Ormesby), which lie within 100 metres of the site, are identified as a European site.
- 6.14. The proposal for new overnight holiday accommodation, both in the form of the campsite and the proposed lodges, has the potential to increase the level of nutrients reaching the European site as a consequence of both the foul and surface water drainage systems. Consequently, the proposal would likely have a significant adverse effect on the integrity of the European site.
- 6.15. The Regulations place a duty on the competent authority to undertake an Appropriate Assessment of the implications of a scheme in view of the designated site's conservation objectives. Insufficient information has been provided to enable an Appropriate Assessment to be completed. Furthermore, there is no mitigation strategy submitted with the application to indicate how any impact would be mitigated, so, in the absence of this and a lack of certainty on the time it may take to have a strategy in place, the LPA cannot be satisfied that the proposal would not result in significant adverse effect to the integrity of the European site. In addition, the LPA is not satisfied that it would be reasonable to impose a Grampian condition to address this matter.
- 6.16. Essex and Suffolk Water have advised that they object to the proposal as it could give rise to surface water run-off and a risk to water quality in the Broad. No additional information has been submitted to address these concerns and so as it stands the proposal is considered to be contrary to Policy DM2 of the Local Plan for the Broads.

Highways

- 6.17. Norfolk County Council Highways requested additional information in their response including:
 - A Transport Statement detailing existing and proposed traffic movements, public transport accessibility, etc.
 - Mitigation for the effects of the development including (but not limited to), access improvements to cater for stacking/right turning vehicles, footway links and

crossing facilities to existing provision; provision for promoting and encouraging sustainable local journeys without the reliance on the private motor vehicles.

- Relocation and closure of accesses to storage unit if associated with horticultural use to permit direct access, or information detailing its retention in the present location along with possible internal access options.
- Parking provision for café use in accordance with current guidance and for clientele booking in/out in so as to not block access and egress that could result with queuing/stacking on the public highway.
- Clarification on the “residential” reference on the retained horticultural part of the site.
- Clarification of whether the retained horticultural use would have any public access/sales and if it does demonstrate adequate parking provision for the intended use in accordance with current guidance.

These have been requested, but not been provided so it cannot be concluded that the proposed development would not have an adverse impact on the highway network and the proposal is therefore not considered to comply with Policy DM23 of the Local Plan for the Broads.

Flood risk

- 6.18. The site lies within tidal Flood Zone 3a defined by the ‘Planning Practice Guidance: Flood Risk and Coastal Change’ as having a high probability of flooding. The proposal is for a change of use from a horticultural nursery and garden centre to a holiday let site with four lodges, caravans and camping site with a storage barn, W/C and shower block, which is classified as a ‘more vulnerable’ development. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site-specific Flood Risk Assessment (FRA) which has been submitted.
- 6.19. The Sequential Test requires that a sequential approach is followed to steer new development to areas with the lowest probability of flooding (Flood Zone 1). No Sequential Test has been carried out as part of the FRA and as the parameters of the site are set by the ownership of the applicant, it is not considered that the sequential test has been met. The proposal is therefore contrary to Policy DM5 of the Local Plan for the Broads.

Other Issues

- 6.20. It is noted that objections have been received from local properties, raising a number of issues including those set out above.
- 6.21. In addition, neighbours have raised some concerns relating to noise disturbance from the proposed campsite use. The use will result in an intensification of the use of the site and there will be additional traffic movements into the site as well as from occupants at the site. Campsites by their very nature promote outside activities which could give rise

to an adverse impact on the amenity of neighbouring properties, contrary to Policy DM21 of the Local Plan for the Broads.

- 6.22. Issues have also been raised that the proposal will adversely impact the character and appearance of the area. However, the site would be screened from the main road by the café and storage building which are to remain as well as the vegetation to the west and residential properties to the east. It is therefore not considered that the campsite use would have an adverse impact on the landscape character of the area and be contrary to Policy DM16.

7. Conclusion

- 7.1. The application seeks permission for the change of use from a garden nursery to a campsite, contrary to both national and local planning policies. Furthermore, the application fails to include sufficient information to be able to fully assess the impact on the biodiversity, water quality and highway safety.

8. Recommendation

- 8.1. Refuse for the following reasons:

- There is insufficient evidence submitted to prove that the site has been marketed at a reasonable price for a sustained period of 12 months and that all other employment uses are unviable. The proposal for a change of use is contrary to Policy DM26 of the Local Plan for the Broads and cannot be supported.
- There is insufficient information submitted to allow the impact on protected species and protected sites to be fully considered. It cannot therefore be demonstrated that the proposed development would not have an adverse impact on protected species and protected sites and the proposal is therefore contrary to Policy DM13 of the Local Plan for the Broads.
- The proposal development would result in new units of overnight holiday accommodation within the identified catchment area of the Broads Special Area of Conservation (SAC). This has the potential to lead to significant environmental effects with regards to nutrient pollution. The proposal fails to comply with the requirements of The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) as well as Paragraph 180(a) of the National Planning Policy Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused. The proposal is therefore unacceptable and contrary to The Conservation of Species and Habitats Regulations 2017, Paragraph 180(a) of the National Planning Policy Framework, and Policy DM13 of the Local Plan for the Broads.
- There is insufficient information submitted to allow the impact on highway safety to be fully considered. It cannot therefore be demonstrated that the proposed

development would not have an adverse impact on the local highway network and the proposal is therefore contrary to Policy DM23 of the Local Plan for the Broads.

- There is insufficient information submitted to assess the impact of the proposed development on the hydrology of the surrounding Trinity broads. It cannot therefore be demonstrated that the proposed development would not have an adverse impact on water quality and protected sites and the proposal is therefore contrary to Policy DM2 of the Local Plan for the Broads.

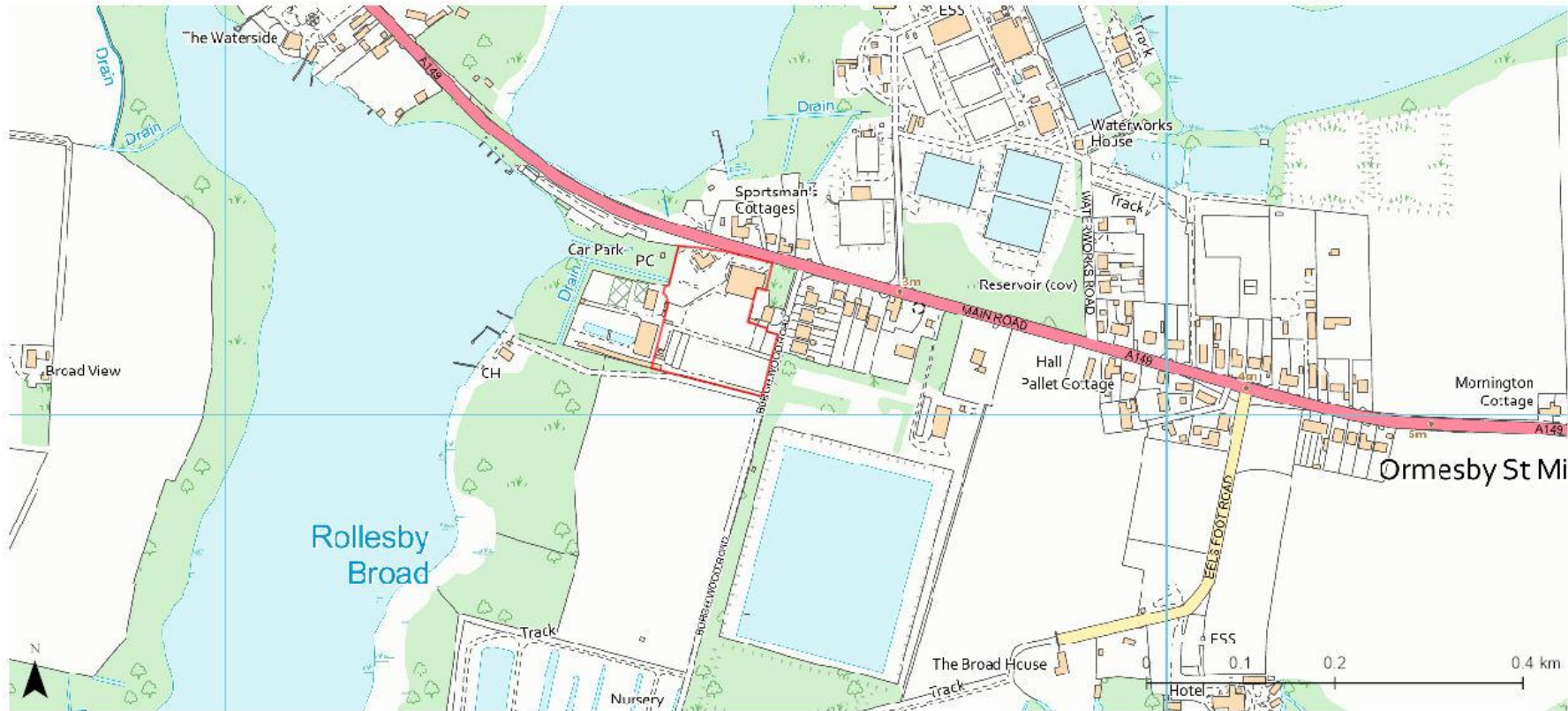
Author: Cheryl Peel

Date of report: 29 June 2023

Appendix 1 – Location map

Appendix 1 – Location map

BA/2023/0127/FUL - Broadland Nurseries, Main Road, Ormesby St Michael



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