

**TATTERSETT – PO/23/1025: Outline Planning Application (with all matters reserved) for creation of new film and TV studios including 5no sound stages with attached costume and make-up facilities, 8no workshops, 1no production facility buildings, 1no ancillary offices, 1no concession, film school and amenities, 1no gatehouse, parking, landscaping and new vehicular access off Sculthorpe Boulevard**

**Target Date:** 25<sup>th</sup> August 2023

**Extension of Time:** 20<sup>th</sup> December 2024

**Case Officer:** Rob Arguile

Outline planning application

## **RELEVANT CONSTRAINTS**

Countryside LDF

Airbase Technical Area LDF

Employment Allocation (Policy E7)

Landscape Character Assessment (Rolling Open Farmland)

Nutrient Neutrality Foul Water Drainage (River Wensum)

Nutrient Neutrality Surface Water (River Wensum)

Areas Susceptible to Groundwater SFRA

Contaminated Land

Mineral Safeguarding Area

## **RELEVANT PLANNING HISTORY**

**PF/22/1561** (A) (17.10.2022)

Change of use of building to film studio, with ancillary offices, costume room, hair and makeup room, onsite storage and parking areas

**PF/03/1716** (A) (21.11.2003)

CHANGE OF USE TO WASTE TRANSFER STATION

**PF/00/0214** (A) (26.03.2001)

ERECTION OF FACTORY AND OFFICES TOGETHER WITH ANCILLARY ACCOMMODATION

**PF/99/1019** (A) (29.11.1999)

CHANGE OF USE OF BUILDING FROM USE WITHIN CLASS D2 (ASSEMBLY AND LEISURE) TO A MIXED USE WITHIN CLASSES B1 (LIGHT INDUSTRIAL) B2 (GENERAL INDUSTRIAL) AND B8 (STORAGE OR DISTRIBUTION), AND ERECTION OF POLYTUNNEL

**PF/99/0490** (W) (02.08.1999)

CHANGE OF USE OF BUILDING FROM D2 TO B1/2

**PF/96/1450** (A) (03.06.1997)

CHANGE OF USE OF EXISTING BUILDINGS TO INDUSTRIAL (B2), LEISURE AND SOCIAL/COMMUNITY USES AND PROVISION OF ROUNDABOUT ON THE B1454

**GF/89/1559** (AG) (08.09.1989)

## DEMOLISH EXISTING SECURITY POLICE GATE HOUSE & CONSTRUCT NEW ONE ON SAME SITE

### THE APPLICATION:

The application seeks outline planning permission with all matters reserved for the for creation of new film and TV studios including 5no sound stages with attached costume and make-up facilities, 8no workshops, 1no production facility buildings, 1no ancillary offices, 1no concession, film school and amenities, 1no gatehouse, parking, landscaping and new vehicular access off Sculthorpe Boulevard

### REASONS FOR REFERRAL TO COMMITTEE:

The application has been called in by the Director for Place and Change (Martyn Fulcher) in view of the scale of the application and the issues that have been raised during the process of considering it.

### PARISH COUNCIL:

#### Tattersett Parish Council - Objection

Tattersett Parish Council members have unanimously agreed to object to the Tattersett Business Park planning application. Although not against development of the area in general, feel that there are too many uncertainties and unanswered questions related to this application. Concerned that there is no guarantee that the tyre mountain will be removed and would need to be confident that complete removal of the tyres is an enforceable condition of any planning permission. The applicant's history of bankruptcies, County Court Judgements and ignoring planning decisions means we can have little confidence that the project in its current form will be handled properly and compliantly. Also feel that planning permission cannot be granted without funding for the project being in place. The PC would also need to be confident that the 9 point plan given to the applicant will be adhered to in order to consider approving the planning application.

### CONSULTATIONS:

**National Gas – No Objections** as there are no National Gas Transmission assets in this area.

#### Norfolk Fire and Rescue Service – Comments

- With reference to the proposed commercial development, based on the location and infrastructure already in place, require fire hydrants to be installed, in locations agreed by Norfolk Fire Rescue Service to ensure adequate firefighting water provision. The fire hydrants shall conform to BS750 and should provide a minimum sustained outlet discharge in line with the 'National guidance document on the provision of water for firefighting' published by Water UK.
- A minimum requirement for commercial/industrial development would normally be fire hydrants on no less than a 125mm main. This is subject to clarification of the type, size and use of the commercial premises. To comply with Building Regulations all commercial buildings, with any single compartment of more than 280m<sup>2</sup>, should have a hydrant provided, if there is not existing provision within 100m of the building. Hydrant(s) should

be located within a vehicular travel distance of 90 metres from the entry points of buildings or the inlet point of a Dry Riser where required.

- The developer is responsible for ensuring sufficient hydrants are installed, in compliance with water regulations and Building Regulations Approved Document B Volume 2 sections 15 & 16 (Fire Hydrants/Water Supplies and Vehicle Access) with reference to the 'National guidance document on the provision of water for firefighting' published by Water UK. All proposed hydrant provision should be to the satisfaction of the Norfolk Fire and Rescue Service. All expenses incurred shall be borne by the developer, owner or occupier of the commercial entity.

### **Norfolk Constabulary Designing Out Crime Officer – Comments**

- The area of Tattersett, and the wider neighbourhood area of Fakenham does not currently suffer with high levels of crime and disorder however do still see instances of anti-social behaviour, criminal damage, burglary, vehicle crime present in the last 12 months. In order to maintain these low crime statistics, it is imperative that all new developments for this area display crime prevention strategies through their environmental design as an approach to deter criminal behaviour.
- Note that there is an intention to provide a gatehouse for security at one of the proposed entrances – this is supported. Consideration should be given to the security of the site for overall public access, specifically consideration of a fencing and access control gates. The demarcation between what is public space, and the private area of this commercial site is important. This will prevent casual intrusion by trespassers, provide safety for employees, prevent intrusion onto the site by criminals and reduce whole removal of property from the site by thieves. Recommend the use of steel security fencing and should be galvanised to BS EN ISO 1461:2009 and or stainless steel with a service life in excess of 25 years. Cannot see from the information provided on the planning portal any details on perimeter security and physical security measures or access control.
- There are two access points into the grounds of the proposed development. Ideally this would be providing a one-way system for vehicles. There should be clear demarcation between the roadway and the footway and a safety barrier between the two may be necessary to protect the two from large vehicles/plant. Entrance gates should be inward opening, of substantial framed construction and employ galvanized adjustable hinges and fixings mounted behind the attack face. Gates should be fitted with drop bolts and a facility of padlocking (manual gates) or electro-mechanical locking (automated gates). The gates should be of the same height, material and construction of the perimeter fencing they are attached to.
- Cannot see from the information provided any details on lighting at this stage, however the lighting of common areas to aid formal and informal surveillance is recommended and recommended to comply with BS5489-1:2020. Lighting design should be coordinated with any CCTV installation and the landscape to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. The lighting scheme should provide uniformed lighting levels with good colour rendition and be sufficient to cater for lawful after dark activity around the units and the site.
- Identifiable parking for staff should be provided in view of occupied offices and where possible, identified visitor parking should be similarly located. CCTV coverage is recommended to support surveillance of the parking facilities.

- The parking facilities themselves is strongly recommended to be built to Park Mark standards, please see Park Mark's Safer Parking Scheme ([britishparking.co.uk](http://britishparking.co.uk)) for more information. Signage: Commercial building reception entrances and car park(s) should be clearly signposted from entrances onto the site, likewise signs that identify areas that are not open to public access act as a reminder that unauthorised persons should be challenged.
- Waste containers, particularly those with wheels, can be used for climbing and the contents used to start fires. Consideration should be given to using waste containers with lockable lids. Additionally, they should be kept inside a secure, externally accessed store, or roofed compound located well away from the buildings. Where roller shutter doors are providing access for deliveries and other apertures where no other door is present, I recommend that they are certified to a minimum of: LPS 1175 Issues 7, Security Rating 2, STS 202 Burglary Resistance 2 or Sold Secure Gold. The external door set apertures and windows should conform to either PAS 24:2022, LPS 1175: Issue 7 SR2 or STS 201 / STS 202 Issue 3 BR 2. Additional security may be gained by utilising additional protection such as a certified roller shutter or grille or through a door set certified to higher security standards. There are door sets which are security rated, fire and smoke related which would be most advantageous in this setting.
- Recommend for all glazing to include one pane of attack resistance glass to a minimum thickness of 6.4mm successfully tested to BS EN 356:2000 P1A Glass in building Security glazing (unless the glass is to be protected by a roller shutter). Bicycle parking facilities are recommended to be located adjacent to the primary building entrance and in view of active rooms and certified to Sold Secure SS104 SR Silver, LPS 1175 Issue 8:2018 SR B or equivalent standard. It is recommended that any video surveillance systems installed cover the cycle parking area.
- The correct security measures need to be put in place to ensure that this development is a safe environment. If the applicant was not prepared to incorporate the recommendations and standards suggested in this document, Norfolk Constabulary would unfortunately not be able to support this application.

**Planning Obligations Co-ordinator (NCC) - No further comments** to make other than those submitted by the Norfolk Fire and Rescue Service

### **Natural England – Comments**

- Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.
- The Nutrient Neutrality methodology can be applied to developments that result in a net increase in overnight accommodation, including new homes, student accommodation and tourist accommodation. As detailed in section 4 of Natural England's overarching advice letter dated 16 March 2022, for other types of developments (such as PO/23/1025), consideration should be given to the status (e.g. living in catchment or visitor from outside the catchment) of those using the facilities to determine if the methodology applies.
- Your authority's ecologist has provided comments on the proposal, concluding that there is not enough information to determine nutrient impacts on the European sites in question. This is based on a significant number of car parking spaces the proposed development will provide, and a lack of information on whether the people using/working at the facility

live inside or outside the nutrient neutrality catchment area. Natural England advise that further information is requested to determine this impact.

- In accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), your authority should determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

### **Environmental Protection (NNDC) – Objection**

- The noise assessment is insufficient to alleviate concerns that the proposed development will not have a detrimental impact on the amenity at nearby residential dwellings. In fact, it's not even a noise assessment as it doesn't follow the methodology within BS4142 (as revised) sufficiently and consequently, it would appear this is more a piece of promotional material for the financiers that the buildings will be suitable sound stages/recording studios. I would strongly urge that the information within the report cannot be relied upon by our Planning Service for making any decisions on the likely impacts of the proposal at nearby residential properties.
- In situations like this, it would be common and reasonable for an acoustician to use data from another site which has the same planning use/same noise-making activities – it maybe that they can make a comparison with a similar site or site they have previously assessed. Alternatively, contact the company directly and organise an assessment at one of their current sites elsewhere. The author of the report is too focused on the noise from the aircraft and potential impact upon the activities of the applicant/business/organisation. I appreciate that insulating a building to a standard to minimise intrusion from external aircraft internally will derive some benefits to residents, however, the report is too simplistic.
- Looking at the background, background noise is clearly lower at the weekend and any robust assessment needs to consider this or look at some weekend/bank holiday restrictions. NB: Although the methodology of BS4142 provides a prescribed format for assessing noise, it is not the law, and local authorities use reports to inform them of the acoustic nature of the site(s) and activities. Where background noise is exceptionally low, BS4142 does provide a figure (30dB), however, if there are noise sensitive receptors nearby and the difference between background and the noise source at receptor location is likely to give rise to amenity loss (or a potential Stat Nuisance), we can require further, and more robust measures are taken to reduce that noise impact to acceptable levels.
- Plant noise is just one of the many potential noise sources that could arise on the application site. I disagree with Section 5.2, paragraph 2 where the author of the report refers to several noise, odour and dust making activities but does not consider assessing any individual or accumulative impacts of these. These noise sources remain largely undefined. In particular, noise break out would also appear to create some directional noise towards nearby residential properties. There has been no consideration of an acoustic lobby/entrance to the units and there is very limited information provided regarding the soundstage. It is critical that full details are provided regarding any sound reduction measures (such as the soundstage) they are intending to use, otherwise these cannot be included – the purpose of the report is to recommend certain sound reduction targets and potential products/materials to achieve those targets, where they are to be located, the height and other specifications, etc

- External noise sources have not been provided, including vehicle movement, reversing, storage of stage materials, loading and unloading, erecting and dismantling activities and where this could happen on site. Additionally, the author has referred to machinery and equipment being used on site which is moveable. A better plan of the site to illustrate each building and area where activities will be taking place is recommended. It would be reasonable to include a colour-coded noise landscape diagram to show where the problematic areas would be so that accumulative impacts can be considered and for other sound reduction measures to be considered also. As the noise sources have remained largely undefined, there is no consideration of the acoustic characteristics of different noise sources which could attract penalties under BS4142 and the figure which has been provided should be treated with caution. Additionally, the report refers to the topography of the site in the introduction, but it is not mentioned anywhere else within the report.
- Hours (hours of use) are not featured within the report. Would expect to see a vast amount of more detail on the use of the site and noise making sources during night time hours. The accumulative impact of the various internal and external noise sources have not been identified, fully assessed nor mitigated as appropriate. All-in-all, the report states that certain levels will be achievable but there is no methodology to underpin and support this assumption.
- In relation to the contamination and ordnance reports, the contents of these are deemed acceptable, however stage two of both of these reports will be required in the event of an approval being issued. Both of these will be required prior to the commencement of the development.

#### **Historic England – No Objection**

- The application site lies c.500m northeast of the scheduled monument ‘Bowl barrow in Wicken Covert, 100m south east of Highfield House’ (List Entry Number 1020783). Considered that the proposed development would not have a major impact on the setting of the scheduled monument or result harm to its significance. Suggest that you seek the views of your specialist conservation and archaeological advisers.

#### **Ministry of Defence Infrastructure Organisation (MoD) - No Objection**

#### **Public Rights of Way and Green Infrastructure (NCC) - No Objection**

#### **Economic and Tourism Development Manager (NNDC) - No Objection**

#### **Landscape Officer (Ecology) (NNDC) - Comments**

- The application is supported by an Ecology Report prepared by Wild Frontier Ecology (October 2022). A summary of the findings include: the report built upon studies undertaken in 2018 for a larger area, one SSSI (Syderstone Common SSSI) and four CWS were identified within 2km of the site, no direct impacts upon these sites were expected ponds within 250m of the site were all found to be dry and no impacts are foreseen upon GCN, a ‘Good’ population of common lizard (peak count 27 individuals) was recorded at the site which will require translocation to a receptor site to facilitate the development, on- and off-site habitat compensation and enhancements will be required to minimise impacts upon Red and Amber listed birds of conservation concern, including linnet, whitethroat and dunnock, no impacts upon roosting bats are foreseen, though mitigation is required with regards to foraging bats, impacts upon other species which may use the site (including toads, hedgehog, badger and brown hare) will also be mitigated for through implementing precautionary measures during construction, a Construction Environmental Management

Plan (CEMP) is recommended, the development would lead to an overall loss of 21.2% habitat units based on calculations using Defra's Biodiversity Metric 3.1. Offsite habitat creation to the south and east of the site and on-site enhancements would achieve an overall 17.3% net gain and details are recommended to be secured through a Biodiversity Enhancement Strategy (BES).

- The Landscape section is satisfied with the survey work undertaken to inform the impact assessment and the subsequent recommendations which have been made. The Landscape section agree with the Norfolk Wildlife Trust comments (dated 29 June 2023) in that impacts upon natterjack toad could not be explicitly ruled out during the construction phase of the development. However, given the distance of the site to Syderstone Common SSSI (where the main population is present), sub-optimal habitats present between the SSSI and application site, and lack of individuals being found using refugia during the reptile surveys, there is only a very low chance of natterjack toad being present at the site. The site itself would not be considered of particular importance to the species due to its specialist habitat requirements. Additionally, measures to be implemented as part of the recommended CEMP would safeguard transient individuals against harm during the construction phase.
- Survey data is stated as being valid for one year (i.e. up to June 2023) with regards to habitats, breeding birds and reptiles. Update surveys for these species would therefore need to be carried out in support of a Reserved Matters application in the event the Outline application is approved. In principle, the Landscape section holds no objection to the proposed development on ecological grounds although further work would be required at the Reserved Matters stage to ensure ecological receptors are fully mitigated for. With implementation of the mitigation and enhancements recommended in the report, the Landscape section consider the proposed development would be in accordance with Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the NPPF.
- Whilst the proposed development is not residential, it would potentially lead to a significant number of people moving into the catchment area for work (either temporarily or permanently). Given the sites location at the edge of the River Wensum SAC catchment area, and that foul water would discharge through Sculthorpe-RAF Camp Wastewater Treatment Works, nutrient impacts cannot therefore be ruled out.
- The submitted Transport Statement notes the car parks will cater for up to 672 cars and that c.350 staff would be expected to be working at the site during a peak operational period. A significant proportion of the staff and visitors to the site may be travelling from outside of the catchment and therefore their nutrient contributions are not accounted for through their place of residence. Therefore, it is feasible there would be a significant increase in nutrient loads in association with the proposed development from people moving into the catchment area.
- Further information is required to either demonstrate there would be no increase in nutrient loads or to calculate the increase in nutrient loads which may arise as a result of the proposed development. As the Broads Calculator (supplied by Natural England) and Norfolk Calculator (produced by Royal Haskoning on behalf of Norfolk Authorities) are only designed to calculate loads for developments with a net increase in overnight accommodation, it may be appropriate for the applicant to engage with Natural England through their Discretionary Advice Service (DAS) to determine the information required to calculate nutrient loads for the proposed development, and how it can be obtained using scientifically robust methods.

### **Landscape Officer (Trees) (NNDC) – Comments**

- An arboricultural appraisal has been undertaken by Oakfield Arboricultural Services. Oak, maple, birch, whitebeam, Robinia cherry, aspen, ash and cypress along with veteran oak trees T23, 24 & 25 have been recorded on site. The species mix is consistent with other local air bases. The illustrated lagoons appear to conflict with groups of trees along Sculthorpe Blvd, the tree survey only captures vague group information suggesting trees are of poor quality or of no significance. There is opportunity to retain more established trees on the scheme by setting the water features further into the site.
- The general car park area represents a significant increase in hardstanding, situated around Peachtree Avenue the information on group 11, poplar, is also lacking in detail with no information on trees situated internally to the group that would require removal. A scheme of landscape improvements is illustrated in the design and access statement, a full landscape proposal would be required with any application.

### **King's Lynn and West Norfolk Borough Council (KLWNBC) - No Objection**

- The application site lies within the village of Tattersett, in North Norfolk. The plot is located adjacent the West Norfolk and Kings Lynn Borough. The site is within land which was formally used by RAF Sculthorpe and the US Airforce up until 1992 and has since been unused. The plot is surrounded by other commercial and industrial uses accessed via the B1454. The application seeks outline planning permission with all matters reserved, therefore, only the principle of development can be considered. As a similar approval has been granted recently within Tattersett, it is considered that the proposed use would be acceptable subject to other issues being considered such as, the impact on residential amenity, scale, design and layout, access and screening under the reserved matters application.
- Although, the site is positioned around 1km away from the boundary of Kings Lynn and West Norfolk, the proposal is not considered to have a detrimental impact on the visual appearance of the area or impact the nearest residential properties, subject to sufficient screening being provided. It is considered the proposed development would not have any significant adverse impact on the visual amenity within BCKLWN boundary. In addition, no nearby neighbours within BCKLWN boundary would experience any significant impacts from the development.

**Climate and Environmental Policy (NNDC) - No response received** (at time of writing).

**Minerals and Waste Authority (NCC) - No objection subject to condition** requiring a Mineral Management Plan to include details such as methodology for a site investigation, extent of on-site use of extracted materials and annual report on request of NNC on amounts used.

**Highways Authority (NCC) – No Objection** - Following the change of application description to “all matters reserved”, have indicated verbally that they have no objection, but formal response still awaited.

**Lead Local Flood Authority (NCC) - No Objection subject to conditions**.

**Anglian Water - No response received** (at time of writing).

**Norfolk Wildlife Trust - Comments**



- The proposal is close to Norfolk Wildlife Trust's Syderstone Common nature reserve, which forms part of the Syderstone Common Site of Special Scientific Interest (SSSI). Syderstone Common SSSI and NWT nature reserve, a grass heath with ephemeral ponds and woodland, is one of the few examples of inland sites for natterjack toad, a species protected under the Habitats Regulations. As a European Protected Species, the presence or absence of natterjack toads on the application site is an important consideration.
- Whilst we have no objections to the proposal in principle, the natterjack toad population of Syderstone Common often disperses over quite large distances post-breeding or when the pools on the Common are dry, as at present. They would be potentially vulnerable to impacts during the construction phase, should consent be granted, for example whilst taking advantage of any piles of construction materials or aggregates. We therefore disagree with the conclusion in section 6.10 of the ecology report, which states that 'it is unlikely that the species will be present within the proposal site', and recommend that, should outline consent be granted, that assessment of the potential for impact on natterjack toads is covered thoroughly in any following reserved matters application.

### **Royal Society For Protection of Birds (RSPB) – Comments**

- RSPB has provided comments previously in 2011 in relation to a proposal for a glider school at Sculthorpe and general comments in 2009 linked to the North Norfolk Local Development Framework – Site Specific Proposals Draft Plan. In both these submissions the focus of our comments was on the potential impact on stone curlew, which breed in the grounds of the current military training area.
- As presented the Ecology Report is a well-constructed and balanced document and RSPB has no comments to make regarding the actual impact on the proposed development site. However, there are statements regarding the impact on stone curlews using the adjacent airfield and potentially arable fields which are incorrect and made without supporting evidence. Stone-curlews are a rare breeding pair in the UK and Sculthorpe airfield holds around 2% of the national breeding population. Species listed on Annex I of the Birds Directive (such as stone curlew) where they occur outside designated sites, Regulation 10(8) of the UK's Conservation of Habitats and Species Regulations 2017 (as amended) requires competent authorities, in exercising their functions, to use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds.
- Sculthorpe airfield has in the past held up to 12 breeding pairs of stone-curlews, though in recent years the number has been around 7 pairs. Nest sites have been distributed throughout the airfield including within 600m of the development site. Additionally in most years there is a post breeding roost which remains until late October/November. This has held up to 100 birds. Considering the proximity of nesting stone-curlews to the proposed development at the airfield there may also be stone-curlews on the surrounding arable land, but RSPB have not carried out any monitoring in this area. We would therefore expect the developer to carry out stone-curlew surveys on any suitable habitat (outside the airfield) within 1500m of the development site. As the suitability of arable nesting habitat for stone-curlews varies year to year due to crop rotations we would recommend the survey should include three successive breeding seasons to adequately assess stone-curlew distribution in the area.
- As the airfield is a military training area and is fenced, we assume people working on or visiting the film studios would not be able to gain access to the airfield, but RSPB requires confirmation of this. We also suggest staff and visitors are made aware of the potential for disturbance created if people were to walk up to and stand by the fence. General disturbance, including human disturbance and noise is normally considered an issue under

500m so should not impact the birds on the airfield if people stay on the site. Built development has an impact up to 1500m. The Ecology Report suggests this not an issue as the development will be non-residential. • Whilst it is true that non-residential buildings tend to cause less disturbance than residential buildings, the developers still need to assess the possible disturbance factors caused by the development such as human disturbance, noise, light and predation. The developer should assess likely changes in traffic on adjacent roads resulting from the proposal and how this may impact stone curlew.

- On Page 40 under section 6.1.1 the report states 'A population of stone curlews (Schedule 1 of the WCA, 1981) is known to breed within RAF Sculthorpe Air Base approximately 450m to the east of the proposal site at the nearest point. There is not expected to be any additional disturbance to this population because of construction or operational/recreational impacts due to separation distances and the fact that the development is not residential. There is already a considerable disturbance baseline within the airbase due to regular military exercises involving multiple aircraft and ground troops and any additional disturbance attributable to the Film Studio proposal would be negligible in comparison.'
- Have agreed above that the distance between the development site and RAF Sculthorpe should prevent certain types of disturbance from within the site, but if there are sources of disturbance that extend beyond 500m (e.g. – increases in off-site human disturbance, light pollution, increased predation) then these would be additional to existing disturbance from military training and may have a cumulative effect.

### **Conservation and Design (NNDC) – No Objection**

- Although not containing any listed buildings or covered by any formal heritage designations, the site in question forms part of the much wider former RAF Sculthorpe site. This was once one of the largest and strategically most important American airbases in the country before closing in 1992. It therefore offers real historic, social and communal interest and is thus very much valued by military historians and locals alike. The base and the structures therein must therefore be considered non-designated heritage assets – para 203 of the NPPF is therefore engaged.
- Before considering the development's impact upon these heritage interests, it is firstly worth confirming for the record that the proposals would not directly or indirectly affect the nearest designated heritage assets; namely the scheduled funerary bowl barrow which lies near the junction of Sculthorpe Boulevard and the B1454, and the Tattersett Conservation Area which is located some 800m south of the main body of the application site. Returning to the submission in hand, it is in outline form with only access to be considered at this stage. Consequently, Conservation & Design comments hereunder must remain general in nature and focus on the wider overarching impacts of the use and buildings rather than their siting and detailed design.
- So, in terms of principle, the development would be situated towards the western edge of the base where it would be away from the main operational and residential areas. This means that the previous concern about the development possibly severing the connection between the airside and landside parts of the base is no longer quite so relevant, Indeed, with the red line having been contracted back from the earlier pre-app, the site now only covers the ancillary and peripheral areas of the base (including a former baseball pitch). It is therefore considered that the impact of the development would be diversionary rather than consequential.

- In offering this comment, it certainly cannot be said that the scheme would have no impact upon the base. Rather, by virtue of its scale and cumulative impact, it would undoubtedly have an effect upon our collective understanding and appreciation of how the base previously functioned. What can, however, be said is that this impact would not drive at the heart of what makes the base significant. Instead, it would be more of a tangential aside which might distract but which would ultimately not eclipse. Therefore, whilst there would inevitably be some harm caused to the non-designated heritage(s), it would be of a comparatively modest level and would presumably be more than offset in the overall planning balance. As a result, there can be no sustainable Conservation and Design objections to this application.

## **REPRESENTATIONS:**

Six representations have been made **objecting** to the proposal on the following summarised grounds:

- No assurance that the tyre piles owned by the applicant will be removed
- Enforcement of the tyre piles not adhered to
- Impact upon the open nature of the site and wildlife that use it
- Potential to uncover asbestos on site and health impacts
- No adherence to the 'Nine Point Plan'
- Abandoned baseball field and tennis court could be restored
- Light pollution from vehicles and buildings, more prominent on the nocturnal character of the area
- Noise from equipment and buildings out of standard working hours
- Potential impact of contamination on site and within existing buildings
- Impact upon trees onsite in relation to their potential to support biodiversity, namely Oak
- Increase levels of traffic using the site and poor highway infrastructure resulting in potential dangers
- Impact upon sewerage system and disruption during construction

## **HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## **CRIME AND DISORDER ACT 1998 - SECTION 17**

The application raises no significant crime and disorder issues.

## **LOCAL FINANCE CONSIDERATIONS**

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 not considered to be material to this case.

## **RELEVANT POLICIES**

### **North Norfolk Core Strategy (September 2008):**

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 2 - Development in the Countryside  
Policy SS 4 - Environment  
Policy SS 5 - Economy  
Policy SS 6 - Access and Infrastructure  
Policy EC 4 - Redundant Defence Establishments  
Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character  
Policy EN 4 - Design  
Policy EN 9 - Biodiversity & Geology  
Policy EN 13 - Pollution and Hazard Prevention and Minimisation  
Policy CT 5 - The Transport Impact of New Development  
Policy CT 6 - Parking Provision

**Site Allocations Development Plan Document (Feb 2011)**

Policy E7 – Land at Tattersett Business Park

**Minerals and Waste Development Framework - Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026**

Policy CS16 (Safeguarding mineral and waste sites and mineral resources)

Material Considerations

**National Planning Policy Framework (December 2023):**

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 6 - Building a strong, competitive economy

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places and beautiful places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

**North Norfolk Design Guide Supplementary Planning Document (December 2008)**

**North Norfolk Strategic Flood Risk Assessment (November 2017)**

**MAIN ISSUES FOR CONSIDERATION**

1. **Principle of Development**
2. **Design and Appearance**
3. **Heritage**
4. **Landscape**
5. **Ecology**
6. **Environment and Pollution**
7. **Highways**

**APPRAISAL**

**1. Principle of Development:**

The proposal seeks outline permission for the creation of new film and TV studios including 5no sound stages with attached costume and make-up facilities, 8no workshops, 1no production facility buildings, 1no ancillary offices, 1no concession, film school and amenities,

1 no gatehouse, parking, landscaping and new vehicular access off Sculthorpe Boulevard with all matters reserved.

The rationale for the proposal as stated by the applicant is to help with a high demand for facilities that have arisen with the film and TV industry since the pandemic. This proposal seeks to create a local base for productions, in order to address this need and the retention of the industry within the UK. It is stated that over half of the industry is located within London and the South East. This proposal seeks to capitalise on local skills and filming locations which are needed to address a high growth in this sector and the backlog caused by the hiatus of productions during the pandemic. Given the high level of employment and specialist labour required, the proposal seeks to train, employ and retain these workers within North Norfolk.

The site lies within Tattersett Business Park, which once formed land as part of RAF Sculthorpe. The site lies within designated 'Countryside' as set out by Policy SS 1 of the adopted North Norfolk Core Strategy. Policy SS 2 of the Core Strategy sets out the types of development which are permitted in Countryside locations. This includes new-build employment generating proposals where there is particular environmental or operational justification.

Policy EC 4 sets out that:

"Development proposals on the former defence establishments will allow for re-use of existing buildings or development of replacement buildings within the defined 'technical areas' provided that there is no overall increase in gross floor space of the existing permanent buildings. All proposals should seek to protect the surrounding environment and ensure no degradation of the site itself. Owing to the proximity of the River Wensum Special Area of Conservation (SAC) development at Tattersett Business Park (Sculthorpe Airbase) must demonstrate, as a minimum, no net negative impact on the environment and nature conservation

...

New build employment generating proposals will be permitted in the areas designated as Countryside where there is particular environmental or operational justification..

On the technical area at Sculthorpe Airbase new employment development may be permitted, subject to the removal of an equal amount of floor space represented by the former barrack blocks and other unsightly buildings in the open area X as identified on the Proposals Map".

Policy EC 4's supporting text states that '*Sculthorpe Airbase, being the best located in relation to the highway network, is considered to offer opportunities for employment uses which would for environmental or operational reasons not be acceptable on employment sites in the towns*'. However, it is stipulated that the proposal '*should facilitate removal of unsightly buildings, including the former barrack blocks*'.

Under Policy EC 4, the proposal site occupies 17% of the 'Airbase Technical Area LDF' constraint area. Policy EC 4 allows for the replacement of existing buildings on site and also re-use of existing buildings, providing in either case there is no overall increase in gross floor space of the existing permanent buildings. The site area of the proposal includes two existing buildings within the enclosed tree area, which are currently used by AKS Auto Services. These buildings remain unchanged as part of the proposal and will not increase their gross floor space.

Under Policy SS 5, a range of sites and premises will be made available for employment development, through designation of existing employment sites in all Principal Settlements, Secondary Settlements and some Service Villages and Coastal Service Villages and the allocation of new sites in order to increase the choice of sites available and to address the self-containment of settlements in terms of homes/jobs balance.

The proposal is covered by a section of the Site Allocation Development Plan Document 'Policy E7' and a section of the 'Airbase Technical Area LDF'. Policy E7 sets out that:

"...Development will be subject to compliance with adopted Core Strategy policies and:

- a) prior approval of a Master Plan providing for landscaping of the whole of the designated area, phasing of development, access arrangements, and removal of stored tyres from the site;
- b) each new build proposal resulting in the removal of an equivalent amount of floor space contained within the now derelict former barrack blocks on the adjacent site;
- c) development being restricted to employment generating proposals in the B1, B2, B8 and sui generis classes of the Town and Country Planning Use Classes Order where it can be demonstrated that the proposal is incapable of being accommodated on other designated employment land in the District for either environmental or operational reasons; and,
- d) there should be no development unless there has been clear demonstration that proposals will result in no adverse impacts on protected wildlife".

In considering the above, it is worth noting that the proposal only covers 30% of the Site Allocation Policy E 7 site. The site boundary of the application does not include any of the buildings on Army Road, nor Sculthorpe Boulevard, of which the other 70% of the site allocation refers too. Therefore, in this instance and coupled with the granting of other employment generating applications on this site, Officers consider that a master plan is not required prior to the determination of this application but would be required for the remainder of the site.

Notwithstanding this the applicant has removed (at the time of writing) approximately a third of the tyres on the Business Park, which the policy does make reference to specifically. Negotiations to remove the remainder of the tyres are still ongoing.

In terms of national guidance, paragraph 85 of the NPPF (Dec 2023) states that:

'decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'.

Paragraph 89 of the NPPF is also considered relevant which states that:

'decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

As this is an outline application with all matters reserved, there are only limited details in terms of floor space. Most notably three of the buildings within the site plan do not include measurements, save for an approximate footprint. The full details in terms of floor space within each building will be provided during a reserved matters application, subject to an approval at outline.

The proposal is seeking construction of a *sui generis* use, as it is a grouping of various use classes combined for the single outline permission. Since the publication of the Core Strategy, the Use Class Order has been updated to incorporate elements of the B1 and B2 Use Class into Use Class E(g) which primarily includes:

- (i) an office to carry out any operational or administrative functions,
- (ii) the research and development of products or processes, or
- (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Whilst the basic principle of new employment generating development is supported on the site, both Core Strategy Policy EC 4 and Site Allocations Development Plan Document Policy E7 provide support for development only on the basis of the removal of the equivalent amount of floor space within the now derelict former barrack blocks on the adjacent site. The applicant has not proposed removal of the barrack blocks and the proposal would therefore lead to an increase of new floor space amounting to four times that of the footprint of the barracks opposite the site. The proposal therefore represents a significant departure from Development Plan Policies EC 4 and Site Allocations Policy E7 and this would weigh heavily against the grant of planning permission.

At this stage discussions are still taking place regarding the ownership of the wider site in order to determine feasibility of the removal of the barrack blocks and Committee will be updated orally as to progress. It is Officers expectation that barrack blocks will be removed either via S106 Obligation or through conditions dependent of the ownership situation so that further public benefits can be realised in addition to helping secure greater policy compliance.

Other matters to consider include the impact of the proposal on protected wildlife and European designations. Although the site does not propose net new overnight accommodation, the proposal would amount to development that would be considered as a significant net attractor of staff / visitors from outside the nutrient neutrality catchment area and, as such, would add to some degree to nutrient loading in the upper reaches of the River Wensum from discharging foul water through the Sculthorpe-RAF Camp Wastewater Treatment Works. As a proportion of these staff would have travelled from outside the catchment area, their nutrient contributions are not accounted for through their place of residence. Unless the issue of nutrient pollution can be addressed, the development could not be reasonably granted planning permission, and the Committee will need to carefully consider the basis for any potential grant of planning permission. Further consideration is given to these issues within the report including, where appropriate, any material considerations as part of any planning balance.

On balance, subject to the principal issues being addressed the proposal would be regarded as acceptable in principle or subject to their being sufficient material considerations to justify any departure from the Development Plan and subject to Habitats matters being addressed.

## **2. Design and Appearance**

Policy EN 4 states that all development will be of a high-quality design and reinforce local

distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Proposals will be expected to have regard to the North Norfolk Design Guide, incorporate sustainable construction principles, make efficient use of land, be suitably designed within their context, retain important landscape and natural features and incorporate landscape enhancements, ensure appropriate scales, make clear distinctions between public and private spaces, create safe places, are accessible to all, incorporate footpaths and green links, ensure that parking is discreet and accessible and where possible, contain a mix of uses, buildings and landscaping.

The proposal seeks outline planning permission with matters of access, layout, scale, external appearance and landscaping reserved for subsequent approval. The plans that have been submitted are, in effect, indicative only with final precise details to be agreed at a later stage.

### Trees

As part of the application, some details regarding the site's trees have been included. The proposal site is supported by an arboricultural appraisal report. It found that species such as oak, maple, birch, whitebeam, *Robinia*, cherry, aspen, ash and cypress are present on site. Three veteran oaks were also recorded labelled at T23, T24 and T25. This species mix is consistent with other local air bases. It appears there is a conflict between the proposed ponds along Sculthorpe Boulevard and the trees which are to be retained. Data captured by the report suggests that these trees are of poor quality or no significance. In consultation with the Landscape Officer, it is concluded that the site offers potential for a vast improvement of the site. In the event of an approval being issued a full scheme of landscaping is required prior to commencement to be submitted and approved. This scheme should include precise location and canopy spread of all existing trees, hedgerows and vegetation on site. It should also include details of their retention and protection during construction. The report should also cover full aspects of the proposed soft landscaping (groundworks, replanting and sustainable drainage) and hard landscaping (surface materials, boundary treatments, street furniture, external lighting and security measures). This document should also set out reasonable timeframes for completion and retention of the scheme.

### Fire Safety

In consultation with Norfolk Fire and Rescue Service no objections have been raised at this stage. It is expected however that in the event of a Reserved Matters application being submitted full details of fire hydrants will be requested. These details will be sufficient to comply with their own standards for firefighting. It is also required that the applicant will bear the expenses of implementing this.

### Crime

In consultation with Norfolk Constabulary no objections have been raised to the proposal at this stage. Under para 96 of the NPPF, it states that decisions should ensure that developments '*are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*'. It is expected that in the event of a Reserved Matters application being submitted that design elements are included which specifically address crime and its prevention. Designing out crime as part of the planning process is an important proactive way of improving safety within communities and is supported by the NPPF. In terms of this application, upon the submission of a Reserved Matters application which addresses design, the following details would be required: restriction to a single public entry (the inclusion of a gatehouse is welcomed), fencing and security gate measures, demarcation of public and private spaces, details of a one-way system for vehicles, demarcation of roadway and footway, security gate specifications (including inward facing design), lighting of common areas, formal and informal surveillance methods, signage, waste containers, roller shutter specifications, security glazing in any building and bicycle storage



facilities. Providing these were covered and considered acceptable by Norfolk Constabulary, it is considered the proposal would be acceptable in terms of its crime and disorder impact.

### Buildings

Within this proposal some illustrative plans and elevations have been included. It is considered that in terms of their scale and appearance these are appropriate for this location and cited in their respective locations within the site. In the event of a Reserved Matters details application being submitted, full details including floor plans, elevations, materials will be required.

With the above in mind, it is considered that at this outline stage the proposal is considered acceptable in the matters of design under Policy EN 4.

### **3. Heritage**

The site does not lie within any statutory or local designations in terms of heritage. However, under Policy EN 8 development proposals should preserve or enhance the character and appearance of important historic buildings, structures, and landscapes. Development that would have an adverse impact on their special historic or architectural interest will not be permitted.

Notwithstanding this, the site does form part of the collective personal history of many ex-service people as part of the RAF Sculthorpe Base. It also is an important landmark in terms of local history and, as such, consideration should be given to this, in lieu of its lack of heritage designations within the planning balance. It was once one of the largest and strategically most important American airbases in the country before closing in 1992. It therefore offers real historic, social and communal interest and is thus very much valued by military historians and locals alike. In this respect, it is deemed a non-designated heritage asset and therefore assessment can be made against the Policy EN 8 and the NPPF. Consultation has been sought with both Historic England and the Conservation and Design Officer.

The site is situated approximately 500m from a scheduled monument named '*Bowl barrow in Wicken Covert, 100m south east of Highfield House*' (List Entry Number 1020783).' Bowl barrows the most numerous forms of round barrow, are funerary monuments dating from the Late Neolithic period to the Late Bronze Age, with most examples belonging to the period 2400-1500 BC. They were constructed as earthen or rubble mounds, sometimes ditched, which covered single or multiple burials. They occur either in isolation or grouped as cemeteries and often acted as a focus for burials in later periods. No objections have been raised by Historic England given the distance away from the site and development is not considered to have a major impact on the setting of the scheduled monument or result harm to its significance.

Following consultation with the Conservation and Design Officer, no objections have been raised. It is considered that the proposal in its outline form is assessed as a wider impact rather than the detailed appearance. The proposal lies away from the western edge of the base and the residential and main operation areas. With this in mind the impact of the proposal would be diversionary rather than consequential. As this smaller area of the base is being considered its impact may affect the understanding of how the base functioned rather than alter the heart of the base itself. Its siting in this location is considered to distract rather than eclipse the importance of the non-designated heritage asset. This coupled with the use of the buildings and reuse of this area would provide some public benefit. In this way it can be determined that the proposal is acceptable in terms of its heritage impact.

In relation to the heritage impact the proposal is considered acceptable under Policy EN 8 and para 209 of the NPPF.

#### **4. Landscape**

Proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

Under Policy EN 2, the proposal lies within the Rolling Open Farmland Character Type, as defined within the Landscape Character Assessment. Within this type, the overall character of the site and surrounding land is described as:

‘Landform and land cover combine to form a very open landscape, with long, uninterrupted high-level views and expansive skies. Lack of population across most of the area means that there are large areas of quiet rural farmland and dark skies at night.’

Given its siting the proposal site occupies an area which could be argued as having a detrimental impact on the wider landscape. In light of the decommissioning of the RAF base, the remaining buildings lay derelict and lack function and purpose. Detractor 7) of this character type expresses that the opportunity for redevelopment of these spaces has potential to conflict with the overall open nature of this part of the district. However, it also describes the current site as follows:

‘At Tattersett, built development associated with the airfield (housing and former hangars) has degraded to a poor condition, exacerbating the stark contrast of the utilitarian airfield character with the surrounding rural character of the landscape.’

Following consultation with the Landscape Officer, a Landscape and Visual Impact Assessment has been requested in order to determine how the proposal will integrate into the wider landscape. However, it is also noted that at outline planning permission stage the final design of the buildings is not being considered. In the event that a Reserved Matters details application is submitted, a full LVIA will be included. As this proposal is only seeking outline permission it is considered that these details are not required to establish the principle of the development. A condition shall be included upon the decision notice which confirms that the footprint of the buildings as shown on the site plan will not exceed dimension as shown on the Proposed Site Plan. Notwithstanding this, the types of buildings that are proposed such as the studios and larger stages in general do somewhat have a similar style to RAF buildings. With the Stages being large open plan structures similar to aircraft hangars. In terms of the local landscape, the proposal includes a large amount of landscaping and the creation of three ponds. It is considered that the local landscape will benefit greatly as they will strengthen the open nature of the site, contributing to a positive impact on the wider character area.

On balance, specific details of layout, scale, external appearance and landscape will be determined at a later stage, but it is considered that the proposal is acceptable in terms of landscape impact at outline stage, in accordance with Policy EN 2 of the Core Strategy.

#### **5. Ecology**

Under Policy EN 9 all development proposals should protect the biodiversity value of land and buildings and minimise fragmentation of habitats; maximise opportunities for restoration, enhancement and connection of natural habitats; and incorporate beneficial biodiversity conservation features where appropriate. Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas protected

species will not be permitted unless, they cannot be located on alternative sites that would cause less or no harm, the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and prevention, mitigation and compensation measures are provided.

Development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted. Where there is reason to suspect the presence of protected species applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs.

### Nutrient Neutrality

The Conservation of Habitats and Species Regulations 2017 (as amended) provide for the designation of sites in England that are important for protecting certain species and habitats. These sites are known as 'European sites' or 'Habitats sites' and form part of a network of protected sites across the UK known as the 'National Site Network'. The proposal site lies within the 'Nutrient Neutrality Foul Water Drainage (River Wensum)' and 'Nutrient Neutrality Surface Water (River Wensum) designations. This means that both foul water and surface water from the site drain into the River Wensum, which discharges into three protected sites. These are the River Wensum SAC, The Broads SAC and Broadland Ramsar.

Under Section 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) and the publishing of Natural England's Advice Letter of 16<sup>th</sup> March 2022, it requires that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which is likely to have a significant effect on a 'European site' must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives. It also requires that a person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Under the guidance from Natural England, it states that business or commercial development, not involving overnight accommodation, will generally not need to be included in the assessment unless the proposal includes other water implications. This is owing to the assumption that those who will be working at the proposal site will generally live close to the proposal site.

With the above established, it is noted the proposal site lies approximately 600m from the boundary between King's Lynn and West Norfolk district. One of the aspects of the proposal is '*creating local employment and providing the ability for people to remain in the region*' and '*thereby creating an indigenous highly skilled crew base*'. Whilst the economic benefits can be drawn from these statements, they do imply that employment will be local to the area. This would imply that some people have to travel from outside the catchment to work, given the proximity of the neighbouring district. It is reasonable to assume that staff will be a mixture of residents both inside and those from outside the nutrient catchment area. It is estimated by the applicant that around 350 jobs will be created per production on a day to day basis. Furthermore, the scale of the proposal includes car parking provision of 308 spaces (as per the amended plan), implying a high level of traffic to and from the site. Further details on travel are included in Section 7 of this report.

Following consultation with the Landscape Officer (Ecology) and Natural England it is considered that the proposal would potentially lead to a significant number of people moving into the catchment area for work (either temporary or permanent) and at peak operational periods the estimated 350 staff would be discharging foul water through the Sculthorpe-RAF Camp Wastewater Treatment Works. As a proportion of these staff would have travelled from

outside the catchment area, their nutrient contributions are not accounted for through their place of residence. Therefore, it is feasible that there would be a significant increase in nutrient loads in association with the proposed development from this. It is acknowledged that the methodology for calculating both the potential of staff of both inside catchment and outside the catchment is not standardised, as with overnight accommodation. However, Natural England do offer a Discretionary Advice Service (DAS) on a case-by-case basis in which it is considered that a Habitat Regulation Assessment is required, prior to the granting of permission. This issue has been established by the Planning Inspector within North Norfolk under appeal reference APP/Y2620/W/23/3327166 in March 2024. It was considered that the impact upon designated sites must be established prior to a decision being issued and that deferring the matter to post-decision through a 'Grampian' style condition would be in contravention of the Habitat Regulations. Furthermore, King's Counsel advice given to the Norfolk Authorities has indicated that:

"...the assessment provisions should be applied to an outline planning application at the point in which the decision in principle is being made and not deferred to the reserved matters stage. There is no equivalent provision in the Habitats Regs, because the UK's two-stage consent procedure (outline planning permission followed by approval of reserved matters) does not exist in the EU Member States."

Without information to demonstrate that there would not be a likely significant effect on a European site or the calculations of potential nutrient loads, which may arise from the development, it is not possible to determine the impact of the proposal. It cannot therefore be ascertained whether the proposal would cause a direct or indirect adverse effect to nationally designated sites at set out under Policy EN 9 or land within or outside a Site of Special Scientific Interest (either individually or in combination with other developments) under para 186(b) and 187 of the NPPF.

Until the establishment of mitigation solutions (either via credits or on or off-site mitigation solutions) or unless a scheme is found to be nutrient neutral, the local planning authority, as competent authority under the habitats regulations, would not be able to reasonably conclude it is satisfied that there is no reasonable doubt as to the absence of adverse effects on the integrity of European sites.

Officers note that development proposals drawing in a large number of users from outside the nutrient catchment is rare within North Norfolk but consider that the issuing of a planning permission could not reasonably occur until assessment under the Habitats Regulations has been completed.

### Biodiversity

The site itself does not lie within any designated areas in respect of biodiversity. The application is supported by an Ecology Report, which identified that there would be no impacts on Great Crested Newts, a good population of common lizards, enhancements required for Red and Amber listed birds, no impacts on roosting bats, mitigation required for foraging animals and overall, would deliver a biodiversity net gain of 17.3%. Following consultation with the Ecology Officer, no objections to the proposal have been raised at this stage. However further reports including on and off site mitigation are required in the event of a Reserved Matters application in the future. These include a Construction and Environmental Management Plan (CEMP), Biodiversity Enhancement Scheme (BES) and Reptile Survey and Relocation Scheme.

- Natterjack toad

Following consultation with the Norfolk Wildlife Trust, no objections have been raised however it is raised that the natterjack toad has potential to be present during the construction phase of the proposal as they disperse large distances when the pools

on Syderstone Common SSSI (2km away) are dry. It is requested that an assessment of the toad is conducted in the event of Reserved Matters application being submitted. It is the opinion of the Ecology Officer that the chance of the natterjack toad is very low given this distance and that no individuals were found during the reptile survey. It is advised that details to safeguard the toads are included in the recommended CEMP.

- Stone-curlew

Following consultation with the RSPB, objections have been raised to the proposal in respect of the neighbouring stone-curlew population. Whilst these concerns are noted, in terms of their contribution to the planning balance, the required information in terms of a decision is considered to be unjust. The ecology application was carried out by an experienced ornithologist, with CIEEM membership. Whilst it is not to downplay the importance of the stone-curlew, in planning terms it is unreasonable to expect the applicant to provide three years' worth of monitoring prior to submission. Furthermore, it has been requested that monitoring occur within a radius of 1500m of the site. This would include areas in which the applicant does not have access to. Following consultation with the Ecology Officer, it is considered that the findings of the report regarding the species would be negligible, given the military use close by. If a Reserved Matters application was to be forthcoming in the future it would be expected that an up to date ecology report would include breeding bird surveys and protected species, including specific reference to stone-curlews.

Taking into consideration the above issues, on balance the proposal is considered acceptable in terms of its impact upon biodiversity. However, this would require conditions to ensure further information is provided prior to commencement. Completion and implementation of the CEMP is deemed sufficient to address the stone curlew and natterjack toad issues by the Landscape Officer (Ecology). This is owing to report had scoped out potential impacts on these species and this is deemed acceptable based on distance to the site from known population and habitats capable of supporting these species.

However, in relation to addressing nutrient neutrality, at this time the proposal would not accord with the Habitats Regulations in the absence of sufficient supporting evidence to demonstrate either sufficient mitigation solutions (either via credits or on or off-site mitigation solutions) or evidence that the proposal is found to be nutrient neutral. As such, the local planning authority, as competent authority under the habitats regulations, would not be able to reasonably conclude it is satisfied that there is no reasonable doubt as to the absence of adverse effects on the integrity of European sites.

However, it may be possible for the applicant to provide the necessary information within a specified timeframe to enable the grant of planning permission. Further consideration of this is given within the Planning Balance and Conclusion Section.

## **6. Environment and Pollution**

Under Policy SS 4, all development proposals will contribute to the delivery of sustainable development, ensure protection and enhancement of natural and built environmental assets and geodiversity and be located and designed so as to reduce carbon emissions and mitigate and adapt to future climate change.

Under Policy EN 13, all development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution, and ensure no deterioration in water quality. Proposals will only be permitted where, individually or cumulatively, there are no unacceptable impacts on; the natural environment and general amenity; health and safety of the public; air quality; surface and groundwater quality; land

quality and condition; and the need for compliance with statutory environmental quality standards.

### Minerals

The proposal lies within a 'Mineral Safeguarding Area' as designed by Norfolk County Council. These are areas where mineral resources occur which may be of local, or greater than local, importance. The proposal site lies on a sand and gravel area. Following consultation with the County Council, an investigation has been requested in order to determine if such minerals have economic value. The applicant has requested that this occurs prior to commencement of the proposal, which the County Council agree to.

### Noise

The proposal is supported by a noise assessment. Following consultation with the Environmental Protection Officer, it is considered that further information is required as the noise report has addressed impact of the RAF activities on the site but not properly assessed the impact of the proposal on its surroundings. This is required to ensure that it will sufficiently address the amenity of the neighbouring dwellings from noise generated by the proposal.

The closest dwelling would be approximately 200m away from the nearest proposed stage. As the proposal lacks definitive information regarding design of the buildings, such as sound proofing, further information is required. It is advised that similar sites could be used as comparison to gauge this impact. Furthermore, design elements such as sound lobbies/entrances could be integrated into the design of the buildings to reduce noise output. As the proposal is for outline permission specific details have not been provided in regard to onsite vehicular movements, unloading times and these locations, all of which have a potential noise impact.

Following further comments by the Environmental Protection Officer, an objection to the proposal has been raised subject to the provision of a further noise survey prior to commencement of the development. This report will sufficiently address the proposals impact upon neighbouring dwellings and contain data regarding the topography of the land and how this impacts the travel of noise. It will also include specific targets of noise levels and mitigation measures where appropriate through design and materials. The report will be carried out using the relevant methodology as prescribed by BS4142 standards.

### Ordnance

As the site forms part of a previously developed military site, a consideration is the potential and danger of unexploded ordnance being discovered on site. The application is supported by a Preliminary UXO Risk Assessment. This report determined that the site has a high risk of unexploded ordnance, most likely from either unexploded Luftwaffe bombs or Allied stored munitions. Following consultation with the Environmental Protection Officer, and the findings of the report, a Phase 2 Risk Assessment Report is required. In the event of an approval of the proposal, this report would need to be submitted and approved prior to commencement.

### Contaminated Land

In addition to the above, the sites is designated as 'Potentially Contaminated Land'. The application is supported by a Phase 1 Investigation report. Following consultation with the Environmental Protection Officer and the findings of the report, no objections to the proposal have been raised. This is subject to the condition that prior to commencement, a Phase 2 Assessment and Scheme of Remediation is submitted and approved in writing.

### National Gas

Following consultation with Nation Gas Transmission no objections have been raised as there are no assets in the area.

### Flooding Risk

In relation to the impact of the proposal on flood risk, consultation has been sought from the Lead Local Flood Authority (LLFA). The proposal site only lies within one flooding designation as identified by the Strategic Flood Risk Assessment (November 2017). This is 'Areas Susceptible to Groundwater'. However, this designation does not show the likelihood of groundwater flooding occurring and does not take account of the chance of flooding from groundwater rebound. This designation covers a large area of land, and only isolated locations within the overall susceptible area are actually likely to suffer the consequences of groundwater flooding.

The proposal has been supported by a 'Flood Risk & Drainage Assessment' which concludes that it is appropriate from a flood risk and drainage perspective, subject to the implementation of the recommended mitigation measures. The Lead Local Flood Authority (LLFA) raise no objections to the report which addresses their initial concerns. It is recommended that a condition requesting further drainage details is submitted prior to commencement, in the event the application is approved.

It is noted that there is a current objection from the Environmental Protection Officer pending a further noise assessment. It has been agreed that in light of this objection; in order to overcome this, the Environmental Protection Officer would accept a further noise survey condition which will be conditioned prior to the submission of the first reserved. Given this will be required as part as a recommendation of approval, and the above issues having been deemed acceptable. On balance the outline proposal can be considered policy compliant with Policy SS 4, Policy EN 10 and Policy EN 13 and para 175 of the NPPF.

## **7. Highways**

Policy CT 5 requires that development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. As a large scale application outside of a settlement boundary, it is expected that the proposal provides for safe access for a variety of transport modes and by all site users, access to the highway network is without detriment to the amenity or character of the area, expected nature and volume of traffic generated by the proposal can be accommodated by the existing road network safely without detriment and the proposal is accompanied by a transport assessment and travel plan.

Alongside this, Policy SS 6 requires that new development should be supported by and have good access to infrastructure, open space, public services and utilities. Permission for development will not be granted unless there is sufficient capacity in existing local infrastructure to meet the additional requirements arising from the new development, or suitable arrangements having been put in place for necessary improvements.

The transport strategy for North Norfolk is to maximise the use of non-car modes, within the context of a rural area where, for many trips, there are limited alternatives to the car. This will be achieved through promotion of walking and cycling for local trips, through traffic management schemes and parking regimes to reduce the impact of traffic on the rural environment, and by promoting public transport. Walking and cycling networks and Public Rights of Way will be protected, enhanced and promoted. New development should create convenient and attractive links within development and to the surrounding area, assist with creation of a network of accessible greenspace and provide links to public transport and walking and cycling networks.

As this is an outline planning application with all matters reserved it is expected that full details of access and parking are provided at Reserved Matters stage. As per Policy CT 5 and para

117 of the NPPF, the proposal is supported by a Transport Statement, Travel Plan Statement, Transport Assessment and Travel Plan given the scale and its potential transport implications. Consultation has been sought from the Highways Authority and the Rights of Way Authority at Norfolk County Council.

### Transport

It is estimated that the majority of journeys to and from the site will be using private car for staff. Using 2011 Census data (over 2021 data, whereby Covid-19 affected travel patterns), it is considered that 14% of journeys will be through a mix of sustainable methods (public transport/car share). It is proposed that with the data below that ongoing monitoring (Travel Action Plan) will take place in the event of an approval. This would take place every one, three and five years aimed at influencing staff travel.

- Car

It is estimated that approximately 78.1% of journeys to the site will be by private car, with 6.2% of these cars carrying additional passengers (carshare). Using Google Maps it is estimated that driving to the site from Fakenham would take 10 minutes and from Kings Lynn 31 minutes.

- Bus

It is expected that some staff will use the public bus to get to the site. This has been estimated at approximately 0.7% of the employment base. The closest stop to the site is Wicken Green situated circa 450m to the north. The services run twice daily at this stop and are serviced by the 26A, 27 and 27A routes. At present, pedestrian access to the site is not open from Wicken Green. It is proposed that this will be opened to allow for pedestrians and bus/cycle commuters. Alternatively, there is an hourly bus services on the A148, however this is a 23 minute walk away from the proposal site. Bus use has been predicted in line with a proposed shuttle bus, which will pick up from local accommodation and rail stations. A public bus from Kings Lynn takes approximately an hour also. In consultation with the Highways Authority, a plan has been provided showing that users can access the bus stop on Lancaster Road, without relying on third party land.

- Pedestrian

Given the sites location, pedestrian access is fairly limited, being only a possibility from those living at Wicken Green village. It is possible to walk from Syderstone to Wicken Green using public footpaths and Public Rights of Way. Despite this, the submitted Travel Plan states that it is estimated that 9.7% of travel to the site will be on foot. Following consultation with the Rights of Way Officer, no objections have been raised as the proposal will not affect any public rights of way on site.

- Cycling

It is estimated that some journeys may take place by cycling. Cycling routes, like pedestrian routes will be made available from Wicken Green. A 5km and 8km buffer zone showing the potential transport connections has been included. Within the 5km staff can access the bus stops and a supermarket. Under the 8km buffer, this includes residential areas of Fakenham and the National Cycle Network Route 1. It is not known how many staff would feasible cycle 5km to work and back as this is roughly 3.1 miles each way. Despite this it is estimated that 3.3% of journeys will be undertaken this way.

- Train

It is estimated that 0.2% of journeys to the site will be by rail. The nearest stations are located in Kings Lynn and Dereham. Kings Lynn is Station is 17 miles away. Services run from Kings Cross every hour. It is proposed as part of the Travel Plan going forward that a shuttle bus service will be provided to transport rail passengers to the site from the station. This benefits the proposal by ensuring that this method is more sustainable, and



that staff arrive on time to work. It also reduces dependency on single vehicular movements.

### Access

In matters of access, this will be made from the B1454. This highway runs from the village of Docking to a junction with the A148, near the villages of Tattersett and Coxford. It has a 60mph speed limit and it is anticipated that the largest vehicle that might use the site is a 16.5m articulated lorry. At this stage of the proposal, journeys to and from the site are subject to change. These include refuse collection, catering deliveries and general production deliveries. It is expected that deliveries will occur in the morning prior to work commencing in the day. However, it is stated that no vehicular movements will pass through the village of Wicken Green to the north of the site, in order to safeguard the amenity of the residents.

Data has been taken from other film studios, most notably from Pinewood Studios between 2011-2013. It is expected that between 7am and 11am there would be approximately 293 two way trips from the site. In the evening this is estimated at approximately 209 two way trips. Cumulatively it is estimated that 350 people will be using the site at any peak period. The proposal is also supported by a junction modelling assessment undertaken at the site. The assessment concluded that the proposed development will not result on the site access to the B1454 or the B1454 to the A148. Data has also been provided by the applicant showing that a total of 10 accidents were reported on the B1454 between Dec 2018 and Aug 2023. These included 15 casualties of which 6 were killed or seriously injured.

Following consultation with the Highways Authority, no objections have been raised. It is considered that the level of traffic to and from the site requires the installation of a Right Turn Lane (RTL). The proposal has potential to generate approximately 501 daily two way trips. In order to ensure that the highway network can accommodate this without detriment, under the current guidance, this will be required prior its first use. As this proposal is an outline application and not seeking consideration on the matters of access, details of the Right Turn Lane are not required at outline stage however, full technical details will be required at prior to commencement of the following: Roads, Footways, Cycleways Plan, Updated Travel Plan, On-site Parking for Construction Workers Scheme, Construction Traffic Management Plan and the Right Turn Lane.

The Highways Authority also require a Section 278 Agreement, and the precise delivery mechanism will be determined as the works are brought forward. The completed works will be subject to a Safety Audit and additional works may be required.

### Parking Provision

It is proposed that 308 parking spaces will be provided, 6% of these will be for disabled persons (23). In order to anticipate a future increase in electric vehicles, 10% of the spaces will be active charging (31) and 20% passive charging (62).

Under Policy CT 6, parking provision is set out in accordance with a proposal's use class. As this proposal is a mixture of uses, it is considered to be *sui generis*. Under the current parking provision guidelines, no set amount of parking is dedicated for these types of developments. Following consultation with the Highways Authority and through the application of their parking provision requirements (2022) a sufficient level has been proposed. This is to address accessibility and electric charging spaces. Whilst this number of 308 is less than the expected levels of staff (350 in peak times), it has taken into account the expected number of sustainable transportation methods that will occur, as not all staff members will need a dedicated parking space. In the matters of parking the proposal is considered policy compliant with Policy CT 6.

With the above in mind, it is considered that the proposal has been designed with a variety of travel methods in place. In terms of access to the site, the proposal is heavily reliant on private

car for the majority of journeys and therefore it has not been designed to maximise sustainable forms of transport. However, it is acknowledged that the site is restricted by its location within the 'Countryside' so sustainable transport options are limited in this regard as set out under para 109 of the NPPF. However, mitigation measures are proposed once monitoring of actual users of the site are known, through the use of a Travel Plan Coordinator. This role is dedicated to ensuring each staff member has a personalised journey which maximises more sustainable transport such as car sharing, shuttle bus and rail as set out under para 114(a). A reward system is proposed for staff based on their engagement with sustainable transport methods.

It is considered that the proposal on balance complies with para 116 of the NPPF notwithstanding the limitations of the location. Following the removal of access from the application and deferral to reserved matters, the Highways Authority's objection has been removed. It is considered that the proposal is acceptable subject to the submission of plans of the Right Turn Lane and Stage 1 Road Safety Audit prior to commencement of the application. In this regard, this information will need to be submitted to an approved by the LPA to show how the proposal will safely accommodate the level of increased traffic. As this information will be provided prior to commencement it is considered that the proposal is broadly compliant with Policy SS 6 and Policy CT 5, specifically 'suitable arrangements having been put in place for necessary improvements' and 'the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety'.

Under para 115 of the NPPF it states 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 light of the Highways Authority not objecting to the proposal on safety grounds the proposal is considered acceptable in this regard.

## **Planning Balance and Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise.

The proposal to erect a film studio on a former airbase would be in general accordance with the aims of Core Strategy Policy SS 2, Policy EC 4 and Site Allocations Policy E7. However, the absence of proposals to remove derelict former barrack blocks on the adjacent site, means that the proposal would have to be regarded as a departure from the Development Plan and this would weigh against the grant of planning permission requiring material considerations in favour to outweigh the identified conflict with the Development Plan.

As the proposal is in outline form with all matters reserved for subsequent approval, the details submitted in support are generally at a high level in relation to reserved matters details.

Subject to the imposition of conditions, various matters in relation to design and appearance, heritage, landscape, and highways are, or can be made acceptable.

In relation to environment and pollution, further surveys are required in order to confirm that the noise impacts of the proposal are likely to be acceptable. The timing of any further surveys is critical to informing future reserved matters applications.

In terms of ecology interests, further surveys are required in relation to Natterjack toad and Stone Curlew, the results of which will inform future reserved matters applications and ensure compliance with Core Strategy Policy EN 9.

In terms of material considerations in favour of the proposed development, these are largely economic in nature including the job benefits from construction and the creation of higher paid jobs supporting the film industry. The applicant has suggested circa 350 direct jobs created from the proposal on a day-to-day basis.

The applicant has also indicated that the scheme will generate substantial supply chain benefits and indirect jobs through an extensive range of skills and expertise required to support film and TV production. This will range from the patronage of local shops, hotels and restaurants to the demand for specialist services such as costume designers, make-up artists, set creators and security.

In the opinion of Officers, the economic benefits of the proposal alone attract **substantial** weight in favour of the proposed development.

Whilst the weight in favour of the proposal is substantial, Officers recognise that, in the absence of resolution of matters relating to the nutrient impact of the proposal, it would not be reasonably possible to grant planning permission under the Habitats Regulations until this issue is resolved.

Whilst in many cases such issues would result in a recommendation of refusal related to the Habitat impacts, having regard to the economic benefits, Officers consider there may be potential, in this case, to delegate authority to the Assistant Director subject to the Habitat Regulations issues being resolved. This would allow the applicant time to address the matter knowing that all other issues are or can be resolved through imposition of conditions or S106 Obligation(s).

This is a change to the long-standing practice of the Local Planning Authority in relation to nutrient neutrality and, whilst the proposed recommendation may carry some risks, permission could only be granted if the Habitats issues are satisfactorily addressed otherwise the matter would either be referred back to Development Committee for re-determination or would be refused.

## **RECOMMENDATION:**

### **Delegate authority to the Assistant Director of Planning to APPROVE subject to:**

1. Satisfactory resolution of nutrient loading under the Habitats Regulation sufficient to address Natural England's comments.
2. Completion of a Section 278 Agreement with NCC Highways and subject to a Safety Audit.
3. Satisfactory resolution of the issue of demolition of barrack blocks either via S106 Obligation or condition to secure policy compliance.
4. Imposition of conditions including any considered necessary by the Assistant Director - Planning including matters relating to:
  - Time Limit for the submission of a Reserved Matters application
  - In accordance with approved plans and documents

- Footprint of buildings shown on proposal site plan will not exceed stated dimensions
- Prior to commencement (or as otherwise stated) the submission and approval of the following documents:
  - Phase II Contamination Report
  - Phase II Ordnance Report
  - Updated Noise Report (prior to submission of first reserved matters application)
  - Updated Surface Water Drainage Scheme
  - Updated Travel Plan
  - Right Turn Lane to B1454 Technical Details Plan
  - Mineral Resource Assessment
  - Biodiversity Enhancement Scheme
  - Reptile Survey, Protection and Relocation Scheme
  - Roads, Footways, Cycleways Plan
  - On-site Parking for Construction Workers Scheme
  - Construction Traffic Management Plan

Final wording of conditions to be delegated to the Assistant Director – Planning.

5. That the application be **REFUSED** if sufficient resolution in relation to nutrient loading is not addressed by the 31<sup>st</sup> March 2025 and in the opinion of the Assistant Director - Planning, there is no realistic prospect of a resolution completed within a reasonable timescale thereafter.