

Item No.	Applicant	Parish	Reference No.
1	Crown Chicken Ltd	KENNINGHALL	3PL/2011/1100/F
2	Mr Bob Gooderham	KENNINGHALL	3PL/2012/0876/F
3	NR16 Limited	KENNINGHALL	3PL/2012/1088/F
4	Mr Bob Waterson	ATTLEBOROUGH	3PL/2013/0511/F
5	Rethink Energy Limited	BRIDGHAM	3PL/2013/0546/F
6	Lincoln House Care Home	SWANTON MORLEY	3PL/2013/0626/F
7	Lincoln House Care Home	SWANTON MORLEY	3PL/2013/0627/F
8	Dudgeon Offshore Wind Ltd	FRANSHAM	3PL/2013/0641/F
9	Mr David Taylor	HARLING	3PL/2013/0672/F
10	Hursit SPV1 Limited	NARFORD	3PL/2013/0739/F
11	Claramond Solar SPV 1 Ltd	LITCHAM	3PL/2013/0747/F

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ITEM	1	RECOMMENDATION : REFUSAL
REF NO:	3PL/2011/1100/F	CASE OFFICER: Heather Burlingham
LOCATION:	KENNINGHALL Green Farm Edge Green	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Crown Chicken Ltd Green Farm Edge Green	
AGENT:	Nicholas G Bailey MCIAT Duart Cratfield Road	
PROPOSAL:	Extension to hatchery	

KEY ISSUES

Environmental Impact Assessment, particularly cumulative effect.

DESCRIPTION OF DEVELOPMENT

The application relates to an extension to an existing hatchery. The existing building will be extended by 12m in length with a further extension forward of that building 17.9m deep by 24m wide. The additional floor space amounts to 645 square metres. The eaves and ridge height will match the existing building. Materials are Moorland green profiled sheeting to roof and gables with matching flat panels to the walls, as the existing building.

SITE AND LOCATION

The hatchery comprises various linked industrial style buildings finished in Moorland green sheeting with loading bay extension and associated plant and equipment. The building stands to the rear of a large group of buildings, storage bins and plant associated with The Mill which processes animal feed. An office building and weighbridge stand to the front of The Mill with parking, hardstanding and manoeuvring areas for the mill and access around the boundary of the site to the hatchery and beyond to a parking area and workshop. A bungalow is sited at the access off Heath Road. The whole site is within the same ownership.

The site lies some distance outside the village of Kenninghall, part of a group of dwellings known as Edge Green. Views to the site are generally more open from the South and Lopham Road, with the group of buildings being seen across agricultural land.

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EIA REQUIRED

Yes

RELEVANT SITE HISTORY

3PL/2004/1425 - Retrospective planning for extensions to hatchery including alterations to site perimeter and road layout - Approved 28/9/2004
3PL/2012/0156 - 4 x 48T bulk bins with automatic door - Withdrawn
3PL/2011/1263 - Certificate of Lawfulness.
3PL/2011/0445 - CHP Plant - Approved - 9/11/2011
3PL/2012/0737 - CHP plant - not yet determined

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.09	Pollution and Waste
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.07	Employment Development Outside of General Employment Area
DC.16	Design
NPPF	With particular regard to para. 28

CONSULTATIONS

KENNINGHALL P C -

The council has looked at the application and wish me to inform you that they cannot currently even consider this application because the information that has been submitted is a) inaccurate and b) missing essential ingredients.

Comments in relation to EIA

Our prime concern with this report is that it fails to address the most overriding factor in this application - the cumulative impact of the extension of this hatchery within and in addition to the complex of the whole Crown Milling site.

Page 7 of the Acorus EIA states:

"The report is intended to:-

1. Establish existing conditions on the site and surrounding area. "

In our view the report fails to do this. The report makes no description or evaluation of the environmental impact of the existing and fully operational whole Crown Milling complex to which the extension of the hatchery will add further impact. Neither does it address the important principle that the application for this extension should, according to current EIA regulations trigger an EIA of the whole Crown Milling site.

The requirements of the Town and Country Planning (EIA) Regulations 2011 which provide that the thresholds in Schedule 2 apply to the development as a whole once changed or extended and

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not just to the change or extension - para 13 schedule 2 EIA regulations 2011.

It is an established fact that the whole Crown Milling complex has been subject to unregulated development over a number of years. Recently a planning application to Breckland Council for the addition of 4 bulk bins with automatic doors (3PL/2012/0156/F) was inexplicably withdrawn by Crown Milling ahead of this application and three others being sent to the Secretary of State by Breckland Council. There have been for some time and continue to be concerns to do with noise, air pollution, visual impact, HGV traffic etc. from the whole Crown complex which have not been addressed satisfactorily. In relation to this Breckland Council's own decision to award Crown Milling a Certificate of Lawful Use is currently subject to a judicial review.

In summary, it is the Parish Council's consistently expressed position in previous correspondence that the whole Crown Milling complex, including the hatchery needs to be evaluated for its environmental impact. Only then can the wider cumulative environmental impact of this application together with the other applications referred be effectively evaluated. This EIA report fails to address that central issue.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions in relation to noise levels, traffic movements, fly control, pest control, waste collection, drainage.

CONTAMINATED LAND OFFICER

No objection

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection

- Crown Chicken operate the site Monday - Friday, hatching taking place on Mondays, Tuesdays, Thursdays & Fridays only

-Two lorries are currently used by the hatchery. The same vehicles are used to collect the eggs and transport the chicks away from the site

-The maximum capacity of eggs on each lorry is 76,800. The maximum capacity of chicks on each lorry is 70,000

-The maximum hatch achievable currently stands at 387,072 (calculated on a maximum setting of 460,800 eggs and a hatch rate of 84%). This equates to 96,768 chicks hatching on each of the four hatch days.

-A 25% expansion equates to 576,000 eggs being transported to site and based on the same hatch rate of 84% 483,840 chicks hatching over the period of a week. This equates to 120,960 chicks hatching on each of the four hatch days

The applicant and agent have provided the following traffic figures:

-Chick delivery - 16 per week. This would equate to each lorry entering and leaving the site once a day on each of the four hatch days

-Egg collection - 40 per week. This would equate to each lorry entering and leaving the site twice a day Monday - Friday

-Waste - 2 per week

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-Washing - 2 per week

I am aware that there is significant local concern regarding the mill and hatchery, most notably the level of vehicle movements (particularly by HGVs) that is generated by the site. Should however your Authority determine that the use of the mill and hatchery are lawful then it has to be accepted that their existence will generate some degree of vehicle movements and a large percentage of these will be by HGVs. As this specific application deals with an extension to the hatchery the vehicle movements generated by the milling operations can not be considered as part of this application, the assessment from a highways perspective has to be whether the extension to the hatchery is likely to generate additional traffic and if so will this result in unacceptable highway conditions.

The applicant has stated that there is capacity within the existing vehicles to accommodate the expansion in production. In addition to reading the supporting information I have visited the site, discussed this matter with the applicant and observed the loading of the vehicles. From my observations I witnessed there to be capacity within the vehicles for the crates to be stacked to a greater height, therefore allowing an increased number of chicks / eggs to be transported in each load. I have no relevant evidence that would contradict the applicant's figures.

You will be aware of the comments in response 3PL/2011/1263. However, should the use of the hatchery be deemed lawful, on the basis of the evidence above I consider adverse comment on highway safety grounds in this instance would be difficult to substantiate.

The applicant should note that the above stance will not commit the Highway Authority to accepting further development proposals on this site. Any application submitted that is likely to give rise to an increase in vehicle movements at the junction of Heath Road with Lopham Road is likely to be resisted by the Highway Authority in the interest of highway safety.

Comments re EIA

I have no record of the Highway Authority being consulted on a Scoping Opinion for this EIA. Having read the EIA there appears to be little additional information, above what has already been considered, relating to highways matters.

ENVIRONMENT AGENCY

No objection subject to a condition regarding foul water drainage system.

NATIONAL PLANNING CASEWORK UNIT

Proposal is Schedule 2 development. EIA required in relation to cumulative impacts

NATURAL ENGLAND

No objection

A supplementary response set out the following:

As noted in our previous response, the application is in close proximity to Kenninghall & Banham Fens with Quidenham Mere SSSI. As previously explained Natural England is satisfied that the specific development described in application 3PL/2011/1100/F being carried out in strict

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accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

In reaching this conclusion we took into account the potential effects of ammonia emissions from the proposed hatchery extension. Despite the lack of any information relating to ammonia emissions within the information provided by the applicant, we were able to use the SCAIL tool on the CEH website to determine that the emissions from the hatchery extension would be below the threshold level which would trigger a need for further assessment.

However, our letter of 24 July 2013 also included a section headed "Other material considerations", which concluded:

"In addition, we understand that there are other outstanding applications for an anaerobic digester and a combined heat and power plant at the site; and that the highways authority has expressed concern about the number and size of HGVs accessing the site. You may therefore wish to also consider these matters as part of a holistic solution for this site."

A member of the public has since drawn to our attention the fact that the Secretary of State had already issued an EIA screening direction in relation to this site which included a quotation from Circular 02/99 that:

"...local planning authorities should always have regard to the possible cumulative effects with any existing or approved development. There are occasions where the existence of other development may be particularly relevant in determining whether significant effects are likely". Whilst we do not consider that the hatchery extension per se is likely to represent a threat to the Kenninghall & Banham Fens with Quidenham Mere SSSI, we do have broader concerns with regard to the suite of existing and proposed developments in the vicinity of the SSSI in terms of the possible cumulative effects of any emissions of ammonia and/or oxides of nitrogen arising from these developments. In addition to the toxic effects of ammonia at high concentrations, both ammonia and oxides of nitrogen contribute to the deposition of nitrogen.

As well as drawing to our attention the SoS's EIA screening direction, our correspondent also supplied us with the following list of developments in the vicinity of the site:

- . Uphall dairy;
- . Heifer unit at Heath Farm;
- . Oak tree farm broiler unit;
- . Chicken unit on the Lopham Road;
- . Chicken units at Park Common;
- . Chicken units at Trench Farm;
- . Crown Mill and Hatchery;
- . Crown mill unregulated development;
- . Crown mill new bulk bins;
- . Planning application to extend the Hatchery at Crown Mill;
- . Application for an Anaerobic Digester;
- . Application for a CHP at Crown Mill;
- . Application for a broiler chicken unit at Ash Tree Farm;
- . Application for the Solar Farm;
- . Existing Farm Practices.

Of these, all of the livestock units will result in ammonia emissions. The anaerobic digester would be likely to produce both ammonia and oxides of nitrogen; whilst the emissions from the CHP facility would contain mainly oxides of nitrogen.

TREE & COUNTRYSIDE CONSULTANT

There appears to be little potential for the proposal to have a significant adverse effect on wildlife

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interests nearby or further afield either alone or in combination with other current proposals in the locality.

The Ecological and Protected Species Survey report produced for Acorus by Eco-Check Consultancy Ltd and dated March 2013 adequately covers the relevant issues. The provisions and recommendations of the report should be conditioned to any consent.

The additional landscape impact is considered by Acorus dated May 2013 and deemed minor when considered in the context of the totality of quasi-industrial development already present.

FIRE & RESCUE SERVICE

No objection subject to a condition.

ECONOMIC AND STRATEGY OFFICER - No Comments Received

REPRESENTATIONS

Letters of representation have been received with a number of issues raised in respect of the milling operation. These include:-

Operations at Crown Milling resulting in increased traffic movements, damage to road; noise; consideration should be given to cumulative impact in relation to milling operations and combined heat and power plant.

Those comments specific to the hatchery relate to additional traffic movements generated by extension of hatchery; concerns that application refers to initial expansion; smell and flies; pollution of ditches; hours of operation; question over whether hatchery has consent; cumulative impact and requirement for Environmental Impact Assessment for whole site;

Further comments in respect of the Environmental Statement relate to deficiencies in the report - failure to consider other developments in the area in relation to cumulative impact; consideration is premature pending a decision on the Certificate of Lawfulness; no consideration of existing activities at the mill; traffic movements not accurately assessed in relation to expansion of wider business and increase in hens, chicks, feed, waste etc; disposal of waste; noise;

ASSESSMENT NOTES

- * This application is referred to the Planning Committee as it is locally sensitive.
- * A screening direction from the Secretary of State dated 10th December 2012 confirmed that an Environmental Impact Assessment (EIA) is required to accompany the application and highlighted the need for this to assess potential cumulative environmental impacts from listed developments in the vicinity.
- * A copy of the Screening Direction was sent to the applicant/agent on 11th December, 2012 and confirmation sought that an Environmental Statement would be provided. Confirmation that an ES would be produced was received from the agent on 31st December, 2012. This was within the time scale set by the EIA Regulations 2011.
- * A further letter to the applicant/agent on 12th February, 2013 highlighted that the Council could not reasonably make decisions on any of the current applications until sufficient information was provided in relation to all other relevant development proposals to allow wider impacts and

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cumulative effects to be assessed. A co-ordinated approach to the preparation of Environmental Statements was recommended.

* The Environmental Impact Assessment was received on 24th June, 2013.

* Further consultations were carried out and results are outlined earlier in the report.

* As outlined above, notwithstanding the amount of time taken to submit the ES, the Statement fails to satisfactorily address potential cumulative impact as required by the Secretary of State's Screening Direction; The following extract being taken from the Screening Direction:-

"The Secretary of State has had regard to paragraph 46 of Circular 02/99 which states that "local planning authorities should always have regard to the possible cumulative effects with any existing or approved development. There are occasions where the existence of other development may be particularly relevant in determining whether significant effects are likely, or even where more than one application for development should be considered together to determine whether or not EIA is required". On Multiple Applications, the Circular goes on to say that "a planning application should not be considered in isolation if, in reality, it is properly to be regarded as an integral part of an inevitably more substantial development"

"The Secretary of State considers that the hatchery extension cannot be treated as a separate proposal to that of the related combined heat and power unit and renewable energy plant, the subjects of separate planning applications and EIA screening requests. The Secretary of State is satisfied that none of the applications can proceed without the other. In his opinion, the potential for cumulative environmental impacts, from all the related developments in the vicinity are such as to suggest that significant effects are likely. EIA is therefore required".

* In conclusion, the Environmental Statement fails to comply with the requirements of the Secretary of State's Screening Direction, as referred to above, by virtue of its failure to satisfactorily assess potential cumulative impacts and on this basis, the application is recommendation for refusal.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

9900 Failure to properly assess cumulative impact within the EIA

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ITEM	2	RECOMMENDATION : REFUSAL
REF NO:	3PL/2012/0876/F	CASE OFFICER: Viv Bebbington
LOCATION:	KENNINGHALL Ash Tree Farm	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: Y TPO: N LB GRADE: N
APPLICANT:	Mr Bob Gooderham Chestnut Tree Farm Kenninghall	
AGENT:	Louise Theobald Old Market Office 10 Risbygate Street	
PROPOSAL:	Demolish 9 poultry sheds, erect 8 broiler houses for the rearing of poultry, feed bins & 4 service buildings	

KEY ISSUES

Environmental Impact Assessment, particularly cumulative effect.

DESCRIPTION OF DEVELOPMENT

The proposal seeks the demolition of 9 (egg production) poultry sheds and the erection of 8 broiler units. The buildings would be 18.3m wide and 121.5m long with an eaves height of 2.5m and a ridge height of 5m. They would be clad in juniper green profile sheeting. Four buildings are positioned to the east of the access and the other buildings are sited in pairs to the west of the access.

Each building would house 43,750 birds therefore there would be 350,000 birds on the site.

SITE AND LOCATION

Ash Tree Farm is located approximately 1km east of the village of Kenninghall. It is to the north of Church Street and is served by a farm track off Church Street.

The site currently comprises 2 groups of poultry buildings separated by an access track running through the farmyard.

The site is within 2km of Kenninghall & Banham Fens with Quidenham Mere SSSI.

Part of the access track is a designated public right of way

EIA REQUIRED

An Environmental Impact Assessment has been submitted as part of the application as the proposal exceeds the Schedule 1 threshold of 80,000 broilers.

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RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.11	Protection and Enhancement of the Landscape
DC.01	Protection of Amenity
DC.14	Energy Efficiency
DC.16	Design
NPPF	With particular regard to para. 28

CONSULTATIONS

KENNINGHALL P C -

In respect of the Ashtree Farm planning application the Chairman said the main concern is the route of access and the likely traffic volumes. Mrs Scott-Barber pointed out that the application does not deal satisfactorily with Norfolk County Councils Highway questions. The EIA is not of an acceptable standard and the response in respect of the traffic matters is weak and incoherent.

Having had no response to our call for clarification on the proposed routes of access and having found no clarification on Breckland's planning portal the Council once again considered the application at its December meeting. In doing so the Council has noted the scoping opinion of Breckland's Planning Manager Paul Jackson dated 16 July 2012 in which he writes the following:

- a) A Transport Statement which includes a detailed breakdown of the vehicle figures, including type, size and frequency of vehicles, for both the former use and the proposed.
- b) Details of the proposed routes of access for all vehicles including location and layout drawings for any improvements that are deemed necessary for the access routes to cater for the development. Where are chick being transported from? Where are the finished birds transported to?
- c) Confirmation of the route of access between the site and East Church Street.
- d) Layout/visibility drawings for the access onto East Church Street.

Kenninghall Parish Council has major concerns over the routes of access of HGV traffic to this site and the lack of clarity from the applicants with regards to them.

We note from the Design and Access statement that the frequency of movements has now been provided. While some of the maths can be argued with what is very clear is that, as well as the regularly weekly movements of food and other provisions to and from the site, once every 8 weeks there is going to be a number of days of intense activity that will result in dozens of HGV movements a day.

Our prime concern to do with these movements is the routes to be taken and road safety to do with inadequate visibility at key points. As far as we can understand it there are two principal

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routes implied.

Access via East and West Church As far as we concerned the argument that because there was a previous enterprise on the Ashtrees site HGV traffic should be permitted to access the site via these streets is not acceptable. First of all there is in fact a weight restriction on access to West Church St of 7.5 tones. When the previous egg-production enterprise occupied the site here were regularly significant problems with the HGV traffic travelling up and down East and West Church Streets. These included stuck vehicles, near misses, odours and flies. These streets are both narrow and are narrowed further by cars parked on both sides of the street with no footpath along much of the street to protect pedestrians, cyclists or disability buggy users. The situation is particularly acute at the bottom of West Church where most residents have no garages and are forced to park on both sides of the street.

Visibility: visibility at the Market Place entrance to West Church Street is poor for traffic exiting and entering it and visibility from the long track from Ash Trees Farm site for exiting on to East Church Street is hampered to the left from which cars arrive at speed (despite a 30mph speed limit!).

Access of HGV traffic from Crown Milling via the north-eastern end of Heath Rd/Edge Green Rd The applicants have stated their intention to transport chicken feed and day old chicks from Crown Milling to the site, with returns, along a length of road that is only wide enough for one vehicle to travel in either direction. In places the road is only 3 metres wide and passing spaces are few and far between. The last section is 3 metres wide, rises steeply, is lined either side with steep banks with no passing spaces and contains a constantly leaking water pipe which is already constantly damaged by passing traffic. Furthermore, there is a weak bridge at the bottom of the hill that has a 7.5 ton weight restriction on it. This road is simply not suitable to take heavy goods traffic

Visibility: Another matter of concern is the visibility splay at the top of the hill where the road joins the Fersfield Rd. Visibility to the left, the direction in which vehicles will turn to access the route to Ash Trees far is very poor and there will be the risk of accidents with oncoming traffic.

Overall we ask that Norfolk County Council and Breckland Council officers carry out site visits to re-examine these routes in the light of our comments.

Non inclusion of other broiler units in the opinion on cumulative effect

For reasons we do not understand a key omission from the cumulative effects report and addendum of Mr Doble is the existing 6 broiler units already housing 200,000 chickens at Oak Tree Farm on the Lopham Rd. Not only are these units the regular source of odours, ammonia and other gases but they already form part of the cumulative development around Kenninghall which is threatening to overwhelm the village with a welter of circulating HGV traffic, noise and fumes from various sources. We question why these units were not included in the overall assessment of cumulative effect.

Given the fact that these units are to be built from scratch we fail to understand why the applicant cannot build them elsewhere on land he owns that has better access that does not involve large HGV traffic movements through the centre of Kenninghall and on suitable roads.

NORFOLK COUNTY COUNCIL HIGHWAYS

No highway objection subject to informative

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ENVIRONMENT AGENCY

We have no objection to the proposed development, subject to the conditions being appended to any subsequent planning permission.

RAMBLERS ASSOCIATION

No objection but concern raised re impact of odour on passing pedestrians, inadequate waymarkers through the site and obstruction of footpath during construction.

NATURAL ENGLAND

No objection

This application is within 2km of Kenninghall & Banham Fens With Quidenham Mere Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

TREE & COUNTRYSIDE CONSULTANT

The Phase 1 Habitat and Protected Species Report by Eco-Check Consultancy Ltd is accepted as thorough. This report also offers sound generic recommendations for mitigation and enhancement of biodiversity on the proposal site in particular, the preparation of a Construction Environmental Management Plan. Such a plan detailing site-specific measures should be conditioned to any consent.

ENVIRONMENTAL HEALTH OFFICER

Recommend approval subject to conditions.

CPRE NORFOLK

The CPRE Norfolk have been made aware of several permitted and pending applications affecting the Parish of Kenninghall. If permitted the proposals would bring cumulative increases in traffic movement, light pollution and creeping industrialization, of an inappropriate scale, in a traditionally agricultural and rural landscape. The applications should be deferred pending a full environmental assessment of their cumulative impact.

NORFOLK RIVERS INTERNAL DRAINAGE BOARD - No Comments Received

NORFOLK WILDLIFE TRUST - No Comments Received

NATIONAL PLANNING CASEWORK UNIT - No Comments Received

REPRESENTATIONS

The following is a summary of representations received:

Suitability of road network to accommodate larger vehicles due to parked cars within the highway;

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increase in HGV movements; under-estimate of vehicular movements; impact on fabric of older buildings in Church Street; return of flies and smell

ASSESSMENT NOTES

* This application is referred to Planning Committee as it is a major application.

Environmental Impact Assessment and cumulative impact

* A scoping opinion was issued by Breckland Council in relation to this scheme in order to assist the applicant/agent in the preparation of an Environmental Statement.

* An Environmental Impact Assessment (EIA) was submitted to accompany the application. Further reports which sought to consider the cumulative effect in combination with other relevant development proposals were submitted in November 2012.

* Prompted by Screening Directions from the Secretary of State relating to other development in Kenninghall, further information in respect of cumulative impact was sought.

* A further letter to the applicant/agent on 12th February, 2013 highlighted that the Council could not reasonably make decisions on any of the current applications until sufficient information was provided in relation to all other relevant development proposals to allow wider impacts and cumulative effects to be assessed. A co-ordinated approach to the preparation of Environmental Statements was recommended.

* No further information has been received.

* As outlined above, notwithstanding the additional reports and our letter of 12th February, 2013 the Statement fails to satisfactorily address potential cumulative impact as required by the Secretary of State's Screening Direction; The following extract being taken from the Screening Direction:-

"The Secretary of State has had regard to paragraph 46 of Circular 02/99 which states that "local planning authorities should always have regard to the possible cumulative effects with any existing or approved development. There are occasions where the existence of other development may be particularly relevant in determining whether significant effects are likely, or even where more than one application for development should be considered together to determine whether or not EIA is required". On Multiple Applications, the Circular goes on to say that "a planning application should not be considered in isolation if, in reality, it is properly to be regarded as an integral part of an inevitably more substantial development"

"The Secretary of State is satisfied that none of the applications can proceed without the other. In his opinion, the potential for cumulative environmental impacts, from all the related developments in the vicinity are such as to suggest that significant effects are likely. EIA is therefore required".

* In conclusion, the Environmental Statement fails to comply with the requirements of the Secretary of State's Screening Direction by virtue of its failure to satisfactorily assess potential cumulative impact and on this basis the application is recommended for refusal.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

9900 Failure to properly assess cumulative impact within the EIA

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ITEM	3	RECOMMENDATION : REFUSAL
REF NO:	3PL/2012/1088/F	CASE OFFICER: Liz Starling
LOCATION:	KENNINGHALL Land to the West of Kenninghall	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	NR16 Limited Guildhall Chambers 35 St Giles Street	
AGENT:	Knight Benjamin Guildhall Chambers 35 St Giles Street	
PROPOSAL:	Solar photovoltaic panels & associated works (inverter housings, security, fencing & cameras)	

KEY ISSUES

Environmental Impact Assessment, particularly cumulative impact.

DESCRIPTION OF DEVELOPMENT

The proposal seeks full planning permission for the installation of a solar farm known as the Hazeldick Solar Project on land to the west of Kenninghall.

The proposed development would cover an area of approximately 18 hectares of agricultural land comprising of approximately 29800 solar photovoltaic panels, providing up to 8MW of electrical power. The panels would be mounted in rows on frames two panels high with a front height of 800mm and a back height of 2400mm resulting in a tilt angle of 30 degrees. The separation distance between the rows of panels would be approximately 6 metres with each row facing due south and fixed to the ground using steel screw piles. The panels would not rotate but be set in a fixed position with the footprint of the panels taking up 30% of the site within the boundary fencing.

Five low level prefabricated transformer buildings (inverter huts) and an export substation are proposed as part of the scheme with a maximum height of 3m. The site would be connected to the grid by the Kenninghall primary substation.

The development would be constructed and maintained in the future via an improved field access off Garboldisham Road.

2.4 metre high deer fencing is proposed around the site perimeter with security equipment including cameras mounted on 5 metre poles. No lighting is required on site as the cameras are fitted with infra-red systems.

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New and reinforced lengths of hedgerows, copses of tree planting and thick thatch screening is proposed around the site perimeter as part of the development. The deer fencing would be set back approximately 3 metres from the field edge to allow the planting to establish and be maintained, as well as providing wildlife corridors.

The proposed operational life of the solar park is approximately 20 years.

An Environmental Impact Assessment was submitted in support of the planning application at the request of the Secretary of State.

SITE AND LOCATION

The application site comprises of approximately 18 hectares of grade 3 agricultural land located to the west of Kenninghall. The site lies approximately 300 metres from on the edge of Kenninghall bordered by East Harling Road to the north and Garboldisham Road to the south east, with North Lopham 2km to the south.

The land slopes upwards from Garboldisham Road with a designated public right of way (FP19) crossing through the centre of the site.

EIA REQUIRED

Yes

RELEVANT SITE HISTORY

There is no relevant planning history relating to the application site.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.12	Energy
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.14	Energy Efficiency
DC.15	Renewable Energy
DC.16	Design

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DC.17 Historic Environment
NPPF With particular regard to paras 93-98

CONSULTATIONS

KENNINGHALL P C -

Objection:

- 1) Considers that the due to where the site is located, it will have a considerable and detrimental visual impact.
- 2) Contrary to Breckland Councils Landscape Character Assessment which defines the land as having long views, sky lines and intervisibility with the surrounding character area. It is considered by the Parish Council that granting planning permission will breach Breckland Council's own Policy.
- 3) Fearful for the safety of vehicles moving along the road as they may be affected by glare or reflection from the solar panels when driving and this may impair visibility.

PRINCIPAL PLANNER MINERAL & WASTE POLICY

The proposal site is underlain by an identified mineral resource (sand and gravel) which is safeguarded as part of the adopted Norfolk Minerals and Waste Core Strategy, and Core Strategy policy CS16 'Safeguarding' is applicable. Safeguarded mineral resources are derived primarily from the BGS Mineral resources map (2004) as amended by the DiGMapGB-50 dataset.

No objection providing the application is for temporary development only.

ENVIRONMENTAL HEALTH OFFICERS

No objection to the original and EIA consultation subject to the noise information provided and the imposition of conditions in respect of noise generation to alliviate environmental concern.

RAMBLERS ASSOCIATION

No objection. We are pleased to see that Kenninghall FP19 is now acknowledged and included in the plans in the amended Design and Access Statement. Given the emphasis in both the original and amended documentation on the site being private, we would ask for an undertaking to ensure that the footpath is of a fully adequate width, not crowded in by the fencing protecting the site (or the screening hedging to be planted). We note that this path is also the route of access to the site, and would not accept a path that runs along a hard surfaced road. If it is the intention to make a roadway to give site access, we would request that a separate footpath be established to maintain the amenity of walking as far as possible when compared to the current route across an open field.

ENVIRONMENT AGENCY

No objection subject to the following comments:

Flood Risk: No objections from a flood risk perspective subject to a surface water drainage condition and agreement of a monitoring strategy in general a field with impermeable panels behaves differently to a field without panels. As solar farms are relatively new we do not have firm evidence of what may happen over time. However, we have been notified of recent surface water drainage issue/failure at a solar farm elsewhere in our catchment.

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Ecology: The site boundary crosses ditches which may provide habitat for protected water voles. If any works has the potential to affect these habitats, further surveys for water voles will be required and appropriate mitigation measures would need to be put in place. The applicant should take the opportunity to provide biodiversity enhancements at the site.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection. The additional information provided within the amended design and access statement, Transport Statement and EIA. In the event that the application is recommended for approval, the Highways Authority would wish to offer suitable highway conditions.

Further to our discussion yesterday I would advise that the Transport Statement dated 11 June 2013 overcomes the concerns I raised in my comments dated 24 May.

I understand the application is to be considered at Planning Committee and is to be taken with a recommendation of refusal. Should Committee be minded to approve this application contrary to your recommendation then I would be grateful for the opportunity to offer suitable highway conditions prior to consent being issued.

TREE & COUNTRYSIDE CONSULTANT

No objection. Given that we are now in receipt of the Great Crested Newt Survey results which have come up negative for GCN (although positive for smooth newts), I believe there are no further outstanding reports from my perspective and the proposal may be viewed as, on balance, a net enhancement of biodiversity and an arguable rural diversification with best practice efforts at landscape impact mitigation.

PUBLIC RIGHTS OF WAY OFFICER NCC

Revisions received remove main objections on public rights of way grounds.

However, two issues remain which would require some further clarification. Firstly, the access to the site for construction/maintenance will be along the footpath, currently a grass/earth track. It is proposed to create a concrete access splay at the roadside, but there is no indication of how far along the footpath traffic will travel before turning off to service the land either side, one assumes through gates in the fencing either side, but these locations are not indicated.

Also there is potential during the construction phase of the development for significant vehicular damage to occur to the footpath surface, compromising the legitimate use. If this is anticipated, it may be necessary to request a temporary traffic regulation order while works are carried out, and to carry out reinstatement works to repair any damage to the surface of the route, to the satisfaction of the PROW officer. Confirmation that the revised proposals will not place any structure such as gates across any part of the route of FP19 should be provided.

NORFOLK LANDSCAPE ARCHAEOLOGY

No objection subject to conditions.

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NATIONAL PLANNING CASEWORK UNIT

Confirmation letter in respect of the need for an Environmental Impact Assessment to be submitted for the proposed development.

NATURAL ENGLAND - No Comments Received

REPRESENTATIONS

Letters of objections have been received from local residents which are summarised as follows:

Detrimental impact on the surrounding rural landscape; such an industrial looking project should be constructed in an industrial area, as opposed to the edge of a pleasant rural village; Kenninghall has been subjected to too many detrimental developments with cumulative impacts; loss of grade 3 agricultural land; scale of the development is too large for the proposed site/locality; development would result in one of the largest solar projects in the country; solar panels close to main road into village will distract drivers on a road with a poor safety record; noise concerns and lack of professional noise assessment to accompany application; contrary to legal ruling in 2012 stating that national planning policy promoting use of renewable resources should not negate local landscape protection policies; development of little benefit to the local community; solar panels should be fixed to existing farm buildings as opposed to using up potential crop growing land; detrimental to local wildlife; construction and future traffic will put an unacceptable pressure on the local road network

ASSESSMENT NOTES

- * This application is referred to Planning Committee as it is a major application.
- * A screening direction from the Secretary of State dated 10th December 2012 confirmed that an Environmental Impact Assessment (EIA) is required to accompany the application and highlighted the need for this to assess potential cumulative environmental impacts from listed developments in the vicinity.
- * A copy of the Screening Direction was sent to the applicant/agent on 11th December, 2012 and confirmation sought that an Environmental Statement would be provided. Confirmation that an ES would be produced was received from the agent on 21st December, 2012. This was within the time scale set by the EIA Regulations 2011.
- * A further letter to the applicant/agent on 12th February, 2013 highlighted that the Council could not reasonably make decisions on any of the current applications until sufficient information was provided in relation to all other relevant development proposals to allow wider impacts and cumulative effects to be assessed. A co-ordinated approach to the preparation of Environmental Statements was recommended.
- * The Environmental Impact Assessment was received on 8th May, 2013.
- * Further consultations were carried out and results are outlined earlier in the report.
- * As outlined above, notwithstanding the amount of time taken to submit the ES, the Statement fails to satisfactorily address potential cumulative impact as required by the Secretary of State's Screening Direction; The following extract being taken from the Screening Direction:-
"The Secretary of State has had regard to paragraph 46 of Circular 02/99 which states that "local

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planning authorities should always have regard to the possible cumulative effects with any existing or approved development. There are occasions where the existence of other development may be particularly relevant in determining whether significant effects are likely, or even where more than one application for development should be considered together to determine whether or not EIA is required". On Multiple Applications, the Circular goes on to say that "a planning application should not be considered in isolation if, in reality, it is properly to be regarded as an integral part of an inevitably more substantial development"

"With regard to the related development proposals taking place in the vicinity, namely that of the combined heat and power unit, hatchery extension and renewable energy plant, the subjects of separate planning applications and EIA screening requests, the Secretary of State accepts that these cannot be treated as separate proposals. In his opinion, the scale of the solar farm proposal on an 18ha site, in combination with the above developments, have the potential for cumulative environmental impacts to suggest that significant effects are likely. EIA is therefore required".

* In conclusion, the Environmental Statement fails to comply with the requirements of the Secretary of State's Screening Direction, as referred to above, by virtue of its failure to satisfactorily assess potential cumulative impacts and on this basis, the application is recommendation for refusal.

RECOMMENDATION

Refusal of Planning Permission

REASON(S) FOR REFUSAL

9900 Failure of EIA to address cumulative impacts

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ITEM	4	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/0511/F	CASE OFFICER: Jemima Dean
LOCATION:	ATTLEBOROUGH Bunns Bank	APPN TYPE: Full
APPLICANT:	Mr Bob Waterson Station Road Attleborough	POLICY: Part In Set Bndry
AGENT:	Mr Adam Shepherd Unit 1 Ground Floor 4205 Park Approach	ALLOCATION: General Employ Area
PROPOSAL:	Relocation of current Station Rd poultry processing to site of former poultry processing facility at Bunn Bank	CONS AREA: N TPO: N
		LB GRADE: N

KEY ISSUES

Principle of development
Highways issues
Impact on residential amenity
Visual impact
Ecological impact
Archaeological and historical impact

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for a new purpose-built poultry processing facility including a 35m dispersal stack for odour control as part of plans to relocate the poultry processing facility at Station Road to this site.

Some existing buildings at Bunns Bank will be retained and reused where possible, apart from the large vehicle workshop and a smaller old workshop.

Part of a field located to the rear of the site will be set aside for car parking. Landscaping, screening and recycling facilities will also be included on site. The existing post and chain link fence on the eastern boundary of the site will be retained.

The proposal would comprise a new processing facility; odour abatement plant; fire tanks and pump house; and weighbridge (transferred from the Station Road site); and new staff and HGV parking; drainage storage basins; acoustic fencing; and landscaping.

It is proposed to retain: the water treatment plant; electricity transformers; natural gas station. The existing storage buildings would be replaced by larger packaging store and security lodge (parts of the structure may be retained). The effluent plant would be upgraded; the existing

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weighbridge would be moved to a new location on site; and the existing site entrance / exit would be modified.

The main element of the proposed development would be the processing facility comprising a live bird reception area, cutting and packing area, processing area, by-products area, chill rooms and a final dispatch hall. The proposed poultry processing building would be approximately 187.7m x 98.76m. The building would be 9.45m to the eaves and 11.17m to the ridge. Materials would be composite sheet sheeting. The dispersal stack would be 35m high.

The security lodge would be located to the west of this facility near the entrance. A weighbridge would be located to the northwest of the facility and one to the east near the site entrance. To the rear of the facility would be the odour abatement and effluent works, including the 35m high dispersal stack. Water treatment facilities, fire tanks and pump house, storage building and utility buildings would be located to the rear of the main facility. The existing buildings at the rear will be replaced by a bigger store.

A staff car park and HGV car park is proposed to the north within a long rectangular field. A 2.5m high acoustic fence is proposed on top of the bund surrounding the northern field to minimise the noise impact from vehicles on nearby receptors. The car park would be approximately 180m long x 100m wide. The site would have capacity for 63 HGVs, 173 staff car parking (including 6 disabled users car parking), 40 cycle spaces and 24 motorcycle spaces. Short stay visitors car parking spaces would be located near the front of the facility and beside the security lodge.

External lighting would comprise security lighting consisting of 40 watt Quartz Arc Tube (HQI) lamps, a type of Metal Halide lamp. The majority of the security lighting would be facing inwards into the site so as to minimise light pollution outside of the site.

In terms of operations at the facility this would involve the receipt and processing of birds, chilling, cutting, packaging, freezing and despatch of the final product as well as despatch of by-products to the rendering industry. The facility will have a throughput of 10,500 birds per hour which equals to 650,000 birds per week.

Access to the site would be provided via the existing entrances onto Bunns Bank Road, which adjoins the B1077 to the west. The entrances are already surfaced and used by road going vehicles. The entrances would, however, be widened to allow for the passing of two HGVs.

SITE AND LOCATION

The application site comprises an area of land approximately 6.16 hectares towards the western end of the Bunns Bank industrial estate. The site is generally flat and level.

Attleborough is approximately 1km to the northwest and Puddledock, approximately 1.6km to the southwest. The nearest dwellings are located on the B1077, approximately 210m to the west and approximately 260m to the northwest at Sunnyside.

The northern part of the site is bounded by a 3m and 5m earth bund with some established planting on top. To the east the site is bounded by established vegetation. The surrounding landscape is typically flat and allows long distance views, although where vegetation or

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development is present, views are significantly disrupted.

The site currently comprises an existing effluent treatment plant, a water treatment plant, water abstraction, a natural gas station and electricity transformers. A number of buildings, including a depot for Banham's heavy goods vehicle (HGVs) maintenance, and offices are also located on the site. It forms part of an industrial estate surrounded by agricultural fields and is designated on the Attleborough Proposals Map (adopted December 2009) as a General Employment Area. The northern part of the site falls beyond the area designated for employment.

A Schedule Ancient Monument is located across the road from the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

Planning permission for an energy from waste facility (application reference C/3/2005/3013) expired in 2010 whilst remaining un-built, granted by Norfolk County Council.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.03	Employment
CP.06	Green Infrastructure
CP.08	Natural Resources
CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.13	Accessibility
DC.01	Protection of Amenity
DC.06	General Employment Areas
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.14	Energy Efficiency
DC.16	Design
DC.17	Historic Environment
NPPF	With particular regard to paragraph 8, 18, 19 and 20

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CONSULTATIONS

OLD BUCKENHAM P C - No Comments Received

ATTLEBOROUGH TC -

This application is supported subject to a comment relating to the potential general and cumulative traffic impact of the site on the locality.

ENVIRONMENT AGENCY

No objection to the proposed development subject to conditions.

ENGLISH HERITAGE

12th July 2013

Recommend that the applicant should be asked to withdraw the application, to allow for further discussions and to address the impact of the development on the setting of Bunn's Bank Scheduled Monument. This might include possible design changes and mitigation, but will also need to the provision of a programme of archaeological works. See additional advice below.

13th September 2013 - in response to letter from ADAS (dated 12th August 2013)

Advice is primarily in relation to the impact of the development upon the setting of Bunn's Bank. Bunn's Bank is designated as a Scheduled Monument and it is of national importance.

As we have discussed in our previous comment the development will be situated on land which adjacent to the scheduled monument. It is therefore worth repeating that although there is no direct impact on the monument itself, a development of this size and scale which is so close to a monument will in our view, have an adverse impact upon its setting.

English Heritage disagrees with the significance afforded to the monument in this assessment, and the level of the impact that the development will have on the monument. It is important to reiterate that Bunn's Bank is of national importance and should be afforded a high significance. We also consider that the degree of change that the development will bring to be moderate to high and the magnitude of the impact will be higher than stated. This does not in our view equate to a "minor adverse" impact, but by the measures set out by the applicant should be considered as moderate or even large.

The impacts of the development on the setting of the monument of Bunn's Bank have not been given appropriate weight during the assessment and design process. We maintain that although we considered the magnitude of the harm to be less than substantial, the designated heritage assets should be afforded sufficient weight within the planning process and that there is sufficient harm to consider the development inappropriate in its current form.

We would therefore maintain our view that the scheme as presented will have a detrimental impact upon the setting of Bunn's Bank. We also feel it is important to recognise that the applicant has not made a clear and convincing justification for the harm caused. We would therefore recommend that the Local Planning Authority seek changes to the design and layout of the development. We also maintain our recommendation that the applicant should be given the opportunity to withdraw the application in order to affect changes but failing that, we recommend that the application is refused.

HISTORIC ENVIRONMENT OFFICER

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A more intensive programme of archaeological works than that proposed in the Environmental Statement is recommended by conditions.

NATURAL ENGLAND

The application site is upstream of Old Buckenham Fen Site of Special Scientific Interest (SSSI) and Swangey Fen, Attleborough SSSI. This latter SSSI is part of the Norfolk Valley Fens Special Area of Conservation (SAC).

Natural England is satisfied that there will not be a likely significant effect on air quality at Norfolk Valley Fens SAC from this development. In terms of pollution to surface and groundwater, the site will be operated under an Environmental Permit, which control and monitor will site operations and emissions to water.

Natural England advises that the conditions set by Environment Agency permit should ensure that there is no likely significant effect on Norfolk Valley Fens SAC. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites conservation objectives.

This application is in close proximity to Old Buckenham Fen SSSI and Swangey Fen, Attleborough SSSI. The conditions that are required under the Environment Agency permission will protect the nationally important features of these designated sites. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified.

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect a European Protected Species.

NORFOLK COUNTY COUNCIL HIGHWAYS

The proposed development will not lead to a material change in traffic levels on the B1077 as the current operation at Station Road (B1077) develops a similar level of traffic and little of that traffic is likely to occur during normal network peak hours of 08:00 to 09:00 and 17:00 to 18:00 as the proposed shift change over times are outside of these hours.

A Travel Plan has been produced but it needs to be improved before it can be accepted this is covered by a condition.

No objection subject to conditions and the Travel Plan bond S106 being completed before planning permission is granted.

TREE & COUNTRYSIDE CONSULTANT

No likely significant effect on these European Protected Species can be taken with reasonable confidence. It is reasonable for the LPA to conclude that no significant adverse effect is likely.

Full details of proposed mitigation landscaping should be conditioned to any consent. More detailed demonstration of how expected light spill is to be minimised should be conditioned to any

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consent. The provision of the detailed ecological management plan should be conditioned to any consent.

ENVIRONMENTAL PLANNING

The application is in broad conformity with both local and national policy when considering the purposes of this allocation where issues in relation to this scheme appear to be weighted in its favour. This is providing that a number of other planning considerations are appropriately addressed within its overall assessment. The application proposes to relocate a more unfavourable industrial use to a designed GEA within the Attleborough vicinity which may offer a number of other material benefits. These issues however will need to be weighted against any potential landscape constraints, ecology, and noise and air quality constraints. Whilst the retention of jobs may not strictly fall within the Council's expectations for 'new jobs growth' in the town, the scheme will nonetheless contribute towards delivering the NPPF's economic objectives. Therefore, in summary there are likely to be other material benefits to this scheme that may outweigh any potential policy conflict.

ENVIRONMENTAL HEALTH OFFICERS

Principally concerned with noise and odour issues relating to the operation of the factory unit and the vehicles, particularly heavy goods vehicles used in and around it.

These issues were raised with the applicant and they have undertaken to provide more information relating to noise, and odour control on site and consider contributing to the council's air monitoring work relating to traffic movements on the roads through Attleborough.

If the planning committee are minded to approve the application and if further information is not provided conditions shall be appended to any planning permission to alleviate environmental concerns.

CONTAMINATED LAND OFFICER

Conditions recommended.

ANCIENT MONUMENTS SOCIETY - No Comments Received

ECONOMIC DEVELOPMENT - No Comments Received

REPRESENTATIONS

Representations have been received in response to the application. Concerns relate to:-

- * No official linkage of the Station Road site to Bunns Bank
- * Deficiencies in Transport Statement
- * No reference made to future residential development
- * Lack of information within the Travel Plan and Design and Access Statement
- * Content and format of Environmental Statement
- * Increase in traffic, in particular HGV
- * Awful smell accompanying the factory

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ASSESSMENT NOTES

* The application is referred to Planning Committee as it is a Major application.

Principle of development

* The application site comprises land that is currently protected for employment use as part of the Bunns Bank General Employment Area. It is the previous location of the former processing plant, prior to its destruction due to fire, where it subsequently moved to the Station Road site.

* Adopted Core Strategy Policy DC6 General Employment Areas (GEA) is of relevance to this application. The policy states that new employment development will be permitted on GEA's where it not a town centre use and where it will not undermine the function of the wider employment area.

* Paragraph 28 of the NPPF supports sustainable growth and expansion of business and enterprise in rural areas. Paragraph 111 encourages the effective use of previously developed land. The development is a B2 use and would be situated within an existing industrial setting on a designated employment site and is therefore in conformity with local and national policy.

* The proposed car and HGV parking for the application is on land to the north of the site which is currently not allocated as part of the GEA. A 3m and 5m bund exists around the boundary which would provide landscaping/screening to the parking area, in particular when viewed from the B1077, to the west of the application site.

* It is unlikely that adequate parking facilities would be available within the allocation itself and in this regard, on balance, it is considered the proposal is acceptable in principle.

Highways issues

* Transport issues are also relevant. It is accepted that an allocated GEA will generate movements of an industrial type. The movements however will significantly increase for both HGV'S and personal transport (particularly at shift change times) in this area.

* The Highway Authority raises no objection subject to a Travel Plan bond S106 being completed before planning permission is granted and conditions placed on any permission.

* In terms of highway issues the proposal is considered to be acceptable.

Impact on residential amenity

* Issues with regard to residential amenity relate to increase in traffic generation, noise and odour control.

* The current transport movements associated with the existing Station Road site will in effect be decanted to a different location, albeit with additional traffic generation from the supermarket proposal at the Station Road site. The Highway Authority has raised no objection and it is considered the proposal is acceptable in this regard.

* The Environmental Health Officer was initially principally concerned with noise and odour issues relating to the operation of the factory unit and the vehicles, particularly heavy goods vehicles used in and around it. These issues were raised with the applicant and they have undertaken to provide more information relating to noise and odour control on site.

* If the Committee is minded to approve the application prior to the submission of the additional information the Environmental Health Officer has provided conditions that should be appended to any planning permission to alleviate environmental concerns.

* The site would be covered by a permit issued and enforced by the Environment Agency; this would require the control of odours and noise from the site and adherence to the management plans submitted.

* The proposal is considered to be acceptable in terms of residential amenity.

Visual impact

* Policy CP11 of the Adopted Core Strategy is relevant to the application. The proposal is located

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within the Old Buckenham Plateau of the Breckland Landscape Character Assessment where the land is relatively flat with gentle rises and dips. Development consideration refers to effects on long views, sky lines and intervisibility with surrounding character areas. When considering the new processing plant, this would be situated within the GEA allocation itself where new buildings would be located alongside existing industrial buildings within an established industrial location.

* The most visible part of the development would be the odour stack which would feature in a number of views. When considering the proposed car parking area, this would be surrounded by both a 3 and 5 metre bund with additional landscaping and therefore would result in minimal impacts upon the wider landscape.

* In terms of visual impact the proposal is considered acceptable.

Ecological impact

* The application site is approximately 4.2km from the SAC and drainage from the Bunns Bank site discharges through Old Buckenham Fen (itself, in part, a County Wildlife Site) to the SAC. The Tree and Landscape Consultant has concluded that no significant adverse on the effect is likely. Outline proposals for ecological enhancement around the car and lorry park are suggested and an ecological management plan to maximise opportunities for the enhancement biodiversity is referred to in the ES. It is requested by the Tree and Countryside consultant that the provision of the detailed ecological management plan should be conditioned to any consent.

* Natural England are satisfied that the conditions set by the Environmental Agency Permit should ensure that there is no likely significant effect on the Norfolk Valley Fen SAC, and in terms of protected species does not object to the application.

* Natural England suggests that measures should be secured to enhance the biodiversity of the site from the applicant if the application is approved.

* In this regard with respect to ecological impact the proposal is considered acceptable.

Environmental permit

* The applicant has been asked to provide details in respect in relation to the Environment Agency Permit.

* At the time of writing this report the applicant is seeking further information regarding this including the permit pre-application number. It is hoped this can be provided prior to the Committee meeting.

* The agent has confirmed that there is an extant permit for the Bunns Bank site currently combined with that for Station Road as there are currently discharges to water from both sites. These ultimately discharge to the same water-course. The applicant is seeking to vary the existing permit to transfer all permitted discharge to Bunns Bank and then in time to surrender the permit for Station Road. The development provides opportunity to upgrade the existing effluent treatment plant at Bunns Bank and consequently the discharge to water under the varied permit will not exceed the existing permitted level, and could be considerably less.

Archaeological and historical impact

* Norfolk Archaeology recommended that conditions are attached to any planning permission.

* In respect of impact of the development on the setting of Bunn's Bank, a nationally important monument designated as a scheduled monument, it is the view of English Heritage that although they have no objection in principle, there will be harm caused to the setting of Bunn's Bank, although it is acknowledged that this is less substantial. Paragraph 134 and 135 of the NPPF requires an assessment of the level of harm against the public benefits of a scheme. In this instance, it is considered that the economic and employment benefits of this development outweigh the "moderate" harm caused to the setting of Bunn's Bank. It should also be noted that a letter from the applicant was sent to English Heritage in response to their concerns. English

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Heritage maintain their recommendation requesting that the applicant withdraw the application but failing that recommend the application is refused.

* Design changes and mitigation could address the impact of the development on the setting of Bunn's Bank Scheduled Monument. The changes and mitigation have not been offered by the applicant and the development remains as originally proposed. Although the concerns of English Heritage have not been fully addressed, their opinion as it stands is the proposal would lead to less than substantial harm and recommend the application is refused. With this in mind, although less than satisfactory, it is not considered a justifiable reason for refusing the application.

Flood risk

* The application provides a Flood Risk Assessment (FRA) in accordance with the NPPF as the site is larger than 1 ha. The FRA identifies that the site lies within Flood Zone 1 and therefore it is identified that there would be no risk from rivers or sea flooding.

Economic

* The proposal would make a positive contribution to delivering the economic objectives of the adopted Core Strategy and the NPPF through the retention of over 700 employees. The Travel Plan identifies that over 40% of employees reside within the Breckland area.

Conclusion

* On balance it is considered the proposal is acceptable and, as such, is recommended for approval subject to conditions and completion of the Travel Plan bond S106.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted
- 3920** Archaeology - scheme of investigation
- 3920** Archaeology - in accordance with approved scheme
- 3920** Archaeology - site investigation and post investigation
- 3920** Biodiversity - Natural England
- 3920** Highways - access, parking etc as submitted
- 3920** Highways - parking during construction works
- 3920** Highways - wheel cleaning
- 3920** Highways - traffic through wheel cleaning
- 3920** Highways - Interim Travel Plan
- 3920** Highways - implementation of interim travel plan
- 3920** Highways - shift change over hours
- 3920** Mitigation landscaping
- 3920** Light spill
- 3920** Ecological management plan
- 3941** Renewable Energy
- AN35** When travel plan provided or required

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- 3994** Non-standard note
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2001** Application Approved Following Revisions

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ITEM	5	RECOMMENDATION : REFUSAL
REF NO:	3PL/2013/0546/F	CASE OFFICER: Jemima Dean
LOCATION:	BRIDGHAM Land at Hall Farm and Field Barn Farm	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Rethink Energy Limited C/O Agent	
AGENT:	Ward Hill - HR & Property Consultants 60 Bracondale Norwich	
PROPOSAL:	Construct solar farm & associated works (inverter cabins, access tracks, security fencing & cameras)	

KEY ISSUES

Principle of development
Impact on Breckland SPA
Impact on character and appearance of the locality
Impact on amenity
Flood risk
Highways

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for a solar photovoltaic (PV) development comprising 144,288 modules, 20 power inverter/ transformer stations, one sub-station, security fencing and associated access gates.

Panels would be laid out in arrays made up of rows running from west to east across the application site with 5m between each row. The application site comprises an area of 70.6 hectares of agricultural land contained within existing field boundaries. Within the site area the solar panels themselves would have a surface area of some 22.4 hectares. This equates to approximately 32% of the planning application site, being taken up by solar panels.

Each array would be mounted on a simple metal frame. The modules would be no more than 3.4m in length from bottom edge to top edge and would be angled at 30 degrees to the horizontal, all facing south. The bottom edge would be 1m above ground level and the top no more than 2.7m above the ground. The frames would have a single leg each auger piled into the ground to an average depth of 1.6m.

The solar panels would be installed at an angle of 30 degrees. The arrays would be connected to

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inverter kiosks located around the site at intervals which connect in turn to a single sub-station before the electricity is distributed to the National Grid. The surface of each solar panel would be constructed from toughened glass, with a non reflective layer beneath, electrical connections, silicon and backing layers, all set within an aluminium frame.

As part of the development a new 2.5m chain link fence would be erected around the perimeter of the site combined with appropriate landscaping and approximately 75 infrared security cameras installed in or adjacent to fence facing into the site. Lighting is also proposed for use when carrying out maintenance work.

The inverters and substation would be a maximum height of 2.5m and the infrared cameras and mounting poles no taller than 2.5m.

It is anticipated the solar park would have the potential to generate up to 30mW of power. This equates to the electrical energy consumed by over 10,000 homes per year.

Access to the site would be via an existing access point from the minor road The Street that runs along the southern boundary of the site. This access point would also be used during the construction period.

The solar panels and other materials required for the construction would be delivered to site by standard HGV articulated lorry. The proposed development is expected to require a total of 450 trips to the site, resulting in 900 movements when one considers vehicles entering and leaving the site. It is consequently expected that 7-8 trips to site will be required per day, resulting in 14-16 traffic movements per day. It is anticipated that the construction phase could take 16-22 weeks including any preparation of the site, fencing, assembly and erection of the photovoltaic arrays, installation of the inverters, transformers and grid connection.

SITE AND LOCATION

The site comprises an area of approximately 70.6 hectares of agricultural land located within the open countryside. The site constitutes a somewhat irregular shape, including a number of fields, most of which are bounded by existing hedgerows and tree belts. The site lies immediately adjacent to the village of Bridgham. The site slopes to the south.

The nearest properties are located to the south east of the site being on the south west of the village of Bridgham. The hamlet of Brettenham is approximately 1.5 miles to the south west of the site and Thetford is nearly 6 miles (10 km) to the south west also.

The site falls within the Brecks Landscape Character Area. The application site is adjacent to Breckland Forest Site of Special Scientific Interest (SSSI) and in the vicinity of Breckland Farmland SSSI and Bridgham & Brettenham Heaths SSSI. These three SSSIs form part of the Breckland Special Protection Area (SPA). Bridgham & Brettenham Heaths SSSI also forms part of Breckland Special Area of Conservation (SAC); in addition, part of the SSSI is designated as Brettenham Heath National Nature Reserve (NNR).

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EIA REQUIRED

Yes

RELEVANT SITE HISTORY

3PL/2013/0072/F - Proposed construction of a 65 million gallon irrigation water reservoir - Approved June 2013

3PL/2012/0858/F - Construction of 65 million gallon irrigation reservoir - Withdrawn October 2012

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.15	Renewable Energy
DC.16	Design
NPPF	With particular regard to paragraphs 17, 93, 97, 109 and 118

CONSULTATIONS

BRETtenham/KILVERSTONE P C - No Comments Received

BRIDGHAM P C -

This will have a visually detrimental effect to the village as a whole. It is also extremely likely to reduce the value of properties in the area. I also object to using good arable land, this area is and historically always has been a farming area. I hope that we would have learnt from past mistakes made during the post war years i.e removing hedgerows etc. a ,much smaller area would maybe more acceptable.

As Bridgham Parish Council, we represent the residents of this small (120 household) village and if local feeling is important then never have we had such an out spoken protest against a proposed development for the village. A very high percentage of the village are against it and of those not, not one resident has spoken to us in favour.

The village of Bridgham is surrounded by farmland and the approach roads all have a pleasing view over such fields. This proposal would mean a massive 'industrialisation' of the western approach. You can see fields whenever you drive anywhere so to say hedges will mean it is not seen, is not correct, otherwise you wouldn't be able to see the fields themselves. It can only try to

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hide it. 8 foot fences and CCTV cameras will certainly not be hidden.

The scale is absolutely massive, the largest in this area and far bigger than the village itself, in fact three or four times the area. No growth of the village is allowed with no new dwellings built, yet a commercial enterprise three times the whole size can, which seems an error on the planning policy.

The energy minister Greg Barker states "councils should look at the balance of community interest and visual impact" "we need to spell out - local opinion is reflected in planning guidance". Local opinion in this case is quite clear - vehemently against this proposal. The visual impact on this sloping site is also going to be highly visible and have a highly negative impact on those passing as well as the houses close by and to the north immediately adjacent to.

Greg Barker states they want to "encourage solar on public buildings and avoid large arrays in areas of natural beauty". This is one. It is part of the Brecks Special Character Landscape and within, or at worst adjoining, the Steve Curlew protection zone.

Brecklands own policy is to protect the rural landscape, particularly river valleys. This site is sloping down to the river Thet and offers a haven for wildlife as well as an attractive landscape. This area of the river is particularly well visited by walkers, bird and wildlife supporters as well as tourism and leisure. None of whom visit to see 144,000 glass panels.

As CPRE say small and discreet is ok but opposed in the open countryside. There are many places this would be better positioned in our area alone and we can name many, even though we are told there is not the demand for the power locally. Why cannot such an array be alongside the railway line where it is securely fenced and is just gravel? The slopes on the side of the A11 or at least adjoining, such as currently being built at Mildenhall? The roof tops of Roudham Industrial Estate or Camp Farm with their massive buildings? Or in a clearing in the centre of the forest? These are a few local suggestions but there are thousands of better places elsewhere. We are not being NIMBYist and would be happy if they were put in a position totally out of view, such as the above. Rethink themselves, on their own website say they always work with local people and ensure local residents and views will not be negatively impacted. They have not in this case. The house at the High Bridgham Road will look straight over the massive site instead of open fields as now. The rest of us will also have our views ruined.

HARLING P C -

With regards to the above application we are writing to register our opposition and confirm that we fully support Bridgham Parish Council and its residents and respectfully request that the Planning Committee carefully consider our concerns. Firstly the site is less than 100 yards from our own Parish Boundary and is next to an area used by large numbers of people many of whom are residents of both Bridgham & East & West Harling. It is also an area where hundreds of holiday makers staying at both The Dower House & Thorpe Woodlands Parks walk & cycle to enjoy unspoilt Breckland Countryside, in fact it could even become a tourist attraction given the number of visitors to sites like the Eco-Centre at Swaffham, this could cause damage to the grass verges etc and cause an unwelcome increase in traffic. The security fencing will have a devastating impact on the aesthetic beauty of the Brecks, from the pine forest over the River Thet across open farmland leading on to open heath land. While it is stated that hedge screening will be planted it will be years before a hedge of the height required will be achieved, this means the entire site and its thousands of unsightly solar panels will be visible for many years. As a Parish Council we fully understand the constraints of Planning Law but firmly believe that if a developer applied to build a number of eco-friendly affordable houses for the young people of Bridgham on any part of this site it is very likely the Planning Committee at Breckland would refuse such an application on the grounds that it would be outside the village envelope and would have a detrimental impact on the character of the area. While a vehicle routeing agreement is proposed it is totally unenforceable, Lorry drivers using the BI 111 from Garboldisham through East Harling would not be breaking any laws as the road is the designated feeder route for HGV's, and would

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shorten their journey by at least 20 miles. At a meeting of Roudham & Larling Parish Council a few months ago a Martin Ives from EPR in reference to vehicle movements to the muck pad at Camp Farm Roudham, stated and I Quote "That the only way such routing agreements can be monitored is by local residents taking the registration no's of any HGV's not abiding by such an agreement and reporting it to the contractors", Given that the Parishioner's of East Harling are finding the volume of HGV's already using the BI 111 through the centre of the village unbearable any increase even over a six month period would be intolerable.

Bridgham & neighbouring West Harling have remained virtually unchanged and unspoilt for hundreds of years and we feel that the environment that the residents have been able to enjoy will be changed forever. This installation will completely change the character of this rural area, transforming it into an industrial, fenced, floodlit, sterile landscape, entirely at odds with the countryside of this area of Norfolk. Whilst the proposal states that the site is 'remote' it is in fact no less than 50 meters from the first property in the village, and will no doubt have a detrimental effect on property prices in a much sought after area. In the Noise Assessment report it is stated that due to the remote location that any noise from the fans during cooling in hot weather will not be audible from nearby properties or businesses and that the inverters are known to produce 9db at a distance of 100m (similar to a home computer). The plans show that there will be 20 inverters causing low frequency noise which is widely recognized and is understood to have significant impact on sleep patterns, quality of life, physical health, psychological and mental health. The low frequency tones can travel a long way causing noise pollution and nuisance to the surrounding neighbourhood. It should be noted that low frequency noise can disturb rest and sleep even at low sound levels and that a large proportion of low frequency components in a noise may increase considerably the adverse effects on health. The evidence of low frequency noise is sufficiently strong to warrant immediate concern. On taking advice from UK Power Networks we have learnt that the whole of East Anglia has already reached its saturation point for generated electrical networks, exceeding local demand and the surplus would be sent to major urban centres like London, which have limited sources of generation and a high demand for electricity. The installation and generation of any electricity will have no benefit to Bridgham, Harling or surrounding areas.

PV Solar Farms whilst (perhaps) providing short term employment during the construction phase (dependent on the developer using local labour) - do not contribute to long term employment. We await the outcome of this application.

ENVIRONMENT AGENCY

No objection

HISTORIC ENVIRONMENT OFFICER

No objection subject to conditions

NATURAL ENGLAND

HRA:

The location of the mitigation plot for stone curlew needs to be provided as part of the mitigation package to enable us to have confidence that suitable mitigation can be delivered

The report mentions that another breeding pair of stone curlew was noted in 2013 two fields to the west of the development area; there should be a evidence-based consideration of whether this pair may be disturbed by the development and if so, suitable mitigation must be provided

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The construction period should be specified to be during the period September to February (stone curlew nesting ends in September and woodlark begins in February)

- We have no evidence to say whether it is likely that stone curlew will forage and/or nest between the panels but, on balance, given their preference for open landscapes, it seems unlikely; monitoring is required to establish the level of impact and to help us make more informed decisions subsequently
- The 25m zone between the panels and Breckland Forest SSSI/SPA should be stated that it is to be managed to benefit woodlark and nightjar in the HRA
- Monitoring for stone curlew is required, however annual monitoring must also include the other SPA species, woodlark and nightjar
- We are not able to conclude that there will be no adverse effect on the integrity of Breckland SPA without confirmation of the above points.

Management Plan 2013-2023

- The management of the stone curlew mitigation plot(s) should be included in the management plan
- It would be helpful to include the map showing location of zones A to D in the revised plan for ease of reference, particularly where separate treatments are mentioned, e.g. for farmland birds
- As above, it is not known whether stone curlew will continue to use the site following construction, however rotovation of soils will be beneficial to other Breckland species which prefer open sandy soils and should be done over as wide an area as possible
- We have no concerns with the intention to create Breck heath vegetation around the panels using green hay from existing sites with management by sheep grazing, provided that the sward is carefully monitored and management adjusted to ensure that it has biodiversity value
- We advise that regular monitoring is carried out to determine the use of the site for farmland birds and birds of conservation concern following construction in order to inform our knowledge of the impacts of solar farms on these species in the Brecks
- We would caution against planting ash as part of the landscaping.

S106:

- The location of the mitigation plot, or potential locations if rotational, should be identified in addition to the criteria for selection and indicators of success

Breeding bird survey

- No further comment at present

NORFOLK WILDLIFE TRUST

The recommendations of the Ecology Survey should be included as conditions of any planning permission. In particular, in view of the fact that very little research has taken place regarding whether stone curlew and other farmland birds will nest on plots within solar farms, monitoring of

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foraging and any breeding of stone curlew and other SPA and farmland birds should be required as a condition.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions including a construction traffic routeing agreement and a Section 59 legal agreement being entered into with the County Council in regard to potential undue wear and tear on the approach route to the site.

R S P B

No objection subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions.

TREE & COUNTRYSIDE CONSULTANT

The proposal would undeniably be a radical change of land use from largely open agricultural land to 30% coverage by energy capture infrastructure. In scale and massing the panels would be broadly comparable with the infrastructure associated with outdoor pig farming - which is common in the Brecks landscape - but of a more enduring impact in one location rather than being moved around on a seasonal basis.

Summer views from Heath Road and the eastern part of The Street are largely screened by hedgerows and shelter belts - open views of the panelled site only being available through existing field entrances. However, from the western extension of The Street, and along the route to and from Brettenham and Thetford, extensive views are available through less continuous hedgerows and recently felled wet woodland. Winter views are likely to be more extensive due to the increased transparency of leafless hedgerows.

Ecology:

Characteristic Brecks plants would likely be promoted through the proposed ecological management scheme. Additional badger transit gates would be required to maintain the functionality of the countryside and its wildlife. Chainlink should be substituted by standard deer fencing on wooden posts.

Conclusion of HRA:

The proposed solar farm would be unlikely to promote any adverse effects on the nightjar or woodlark populations of the Breckland SPA.

The likelihood of an adverse effect on the citation population of stone curlews outside of the SPA cannot be discounted. It remains for the applicant to propose and agree satisfactory alternative nesting and foraging sites outside of the application site in mitigation for the development proposal.

CPRE NORFOLK

CPRE Norfolk objects to this application as it poses a significant visual intrusion on the Breckland

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landscape.

The application is also contrary to recent guidance set out in the Department for Communities and Local Government's recent document "Planning practice guidance for renewable and low carbon energy." This document (paras 26 and 27) recognises the negative impact that solar farms can have on rural undulating landscapes and encourages the use of previously-developed land.

It also takes a significant amount of agricultural land out of crop production, reducing our capacity to produce food. Nor will the proposal in any way be beneficial to local economic and social needs.

CONTAMINATED LAND OFFICER

No objection subject to conditions

NATIONAL GRID - No Comments Received

REPRESENTATIONS

A large number of responses have been received with concerns relating to the development and a petition taken amongst the community of Bridgham objecting to the planning application has been received signed by 148 residents. Areas of objection relate to:-

- Loss of productive farmland to an industrial development
- Scale of the proposal in relation to the small village of Bridgham
- Negative ecological impact of such a large development
- Health risk from electromagnetic radiation from the cluster of inverters
- No local benefit from the development
- Power generation from the site not required locally
- Negative visual impact
- Development dominating rural village
- Impact on amenity
- Too close to Bridgham
- Impact on Brecks landscape
- Stone curlew area
- No alterations considered
- Impact on property value
- Security cameras and fencing too close like prison camp
- Impact on privacy
- Should be on brown field land
- Disruption during cabling to Thetford
- Rural location not remote
- No spare capacity at Thetford
- Traffic volume
- Panels dazzling light
- Huge eyesore
- Resource cannot be replaced
- Noise pollution low frequency noise
- What happens in event of an emergency e.g. leakage or lightning strike

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- Errors within archaeology report

Comments made by Member of Parliament Elizabeth Truss state concern for the increasing use of agricultural land for the provision of fuel whether this is solar plants or bio fuels. Minister Greg Parker speaking in the House of Commons in January this year was quoted

"We need to be careful that we do not over-incentivise large-scale ground mounted projects in inappropriate places - I am thinking greenfield agricultural land - that could generate strong opposition to our community energy agenda."

ASSESSMENT NOTES

* The application is referred to Planning Committee as it is a major application

Principle of development

* Paragraph 97 of the National Planning Policy Framework (NPPF) states that to help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. At paragraph 118 the NPPF states local planning authorities should aim to conserve and enhance biodiversity. Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted and planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

* Core Strategy Policy DC15 of the adopted Core Strategy supports renewable energy proposals in principle. This is subject to criteria including the impact of the proposal on the surrounding landscape.

Landscape Impact

* Policy CP11 requires that the landscape of the district will be protected for the sake of its own intrinsic beauty and its benefit to the rural character and in the interests of biodiversity, geodiversity and historic conservation. Development should have regard to maintaining the aesthetic and biodiversity qualities of natural man-made features within the landscape including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features.

* High protection must be given to the Brecks landscape, and proposals within the Brecks Landscape Character Areas will not be permitted where these would result in harm to key visual features of the landscape type, other valued components of the landscape, or where proposals would result in a change in the landscape character. The proposal would be a major change of land use from largely open agricultural land to 30% coverage by energy capture infrastructure.

* It is evident that Summer views from Heath Road and the eastern part of The Street are largely screened by hedgerows and shelter belts and open views of the panel would only be available through existing field entrances. However, from the western extension of The Street, and along the route to and from Brettenham and Thetford, extensive views are available through less continuous hedgerows and recently felled wet woodland. Winter views are likely to be more extensive due to the increased transparency of leafless hedgerows.

* The significant size of this development (over 70 hectares) and the aforementioned views leads to the conclusion that the development is not appropriate in this location within the Brecks

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Landscape. Although mitigation planting, comprising the establishment of native tree and shrub belt, is proposed, it is not considered this would adequately address the significant adverse impact of the proposed development.

Impact on Breckland SPA

* The application site lies within the 1,500 metres of the Breckland Special Protection Area (SPA), accommodating the stone curlew, woodlark and nightjar. As such, the Habitat Regulations and Policy CP10 of the Adopted Core Strategy are directly relevant.

* A Habitat Regulations Assessment (HRA) must be undertaken by the competent authority (Breckland District Council), of all proposals for development likely to have a significant effect on the Breckland Special Protection Area (SPA). In this situation only development which would not adversely affect the integrity of the SPA will be permitted.

* The Tree and Countryside Consultant has undertaken an HRA. His conclusion is that the proposed solar farm would be unlikely to promote any adverse effects on the nightjar or woodlark populations of the Breckland SPA. The likelihood of an adverse effect on the citation population of stone curlews outside of the SPA however, cannot be discounted. With this in mind, it remains for the applicant to propose and agree satisfactory alternative nesting and foraging sites outside of the application site in mitigation for the development proposal. This is an approach shared by other consultees such as RSPB and Natural England. This would be secured via a S106 Agreement.

* In this regard it can be seen that Policy CP10 has been satisfactorily addressed.

Amenity

* The application site lies adjacent to the village of Bridgham and there are residential properties within the vicinity to the proposed solar farm which directly overlook the application site.

* It is considered that the degree of separation and intervening features eg. vegetation is such that neither light nor outlook would be significantly compromised.

Flood risk

* The proposed site is located within flood zone 1 (low risk) on our flood maps. The submitted Flood Risk Assessment (FRA) has demonstrated that the proposed development will not increase the rate and volume of surface water runoff from the site. No objections are raised in respect of flooding by the Environment Agency.

Highways

* The Highway Authority raise no objection subject to conditions including a construction traffic routing agreement and a Section 59 legal agreement being entered into with the County Council in regard to potential undue wear and tear on the approach route to the site.

Conclusion

* Paragraph 97 of the NPPF supports proposals to help increase the use of renewable and low carbon energy provided adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

* Notwithstanding that the proposed development would contribute to the need for renewable energy, there are concerns relating to visual impact on the landscape, in particular, the impact of the development on the Brecks Landscape. The application is, therefore, recommended for refusal.

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RECOMMENDATION Refusal of Planning Permission

REASON(S) FOR REFUSAL

9900 Impact on Brecks Landscape

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ITEM	6	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/0626/F	CASE OFFICER: Jayne Owen
LOCATION:	SWANTON MORLEY Lincoln House Care Home Dereham Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: Y LB GRADE: N
APPLICANT:	Lincoln House Care Home Dereham Road Swanton Morley	
AGENT:	Sketcher Partnership Ltd First House Quebec Street	
PROPOSAL:	20 Assisted Living Units (C2 use) Part 1	

KEY ISSUES

Principle
Design
Amenity
Highway safety
Trees and landscape
Contaminated land

DESCRIPTION OF DEVELOPMENT

The proposal seeks the construction of 20 assisted living bungalows on 0.81 ha of land at Lincoln House Nursing Home. The overall development area is approximately 1.82 hectares which includes the doctors surgery. The proposed layout provides for the existing layout to be retained. It is proposed to retain existing hedging and use new 1.2 m high timber post and rail fencing where appropriate and new landscaping will include traditional Norfolk hedging and tree planting. Materials comprise soft red brick, black weatherboarding, clay pantiles and timber windows. The existing access road through the site is proposed to be extended eastwards into the additional land area.

The application is accompanied by a Contaminated Land Phase I Desk Study, a Design and Access Statement and Tree Constraints Plan.

SITE AND LOCATION

The application site comprises land outside the Settlement Boundary of the village of Swanton Morley. The site is on Woodgate Road adjacent the grounds of an existing 98 bed

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residential/nursing home, doctors surgery, 24 assisted living units and communal hall.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2013/0627/F - 5 Assisted living units (C2 use) Part 2 in conjunction with con-current application for 20 assisted living units - Not yet determined
3PL/2012/1060/F - 27 Assisted living units (C2 use) - Withdrawn
3PL/2012/1059/F - Extension to community hall - Approved
3PL/2009/0242/F - 30 bed care unit - Approved
3MA/2009/0012/MA - Changes to garages and carports and plots 5 and 6 amendment to planning permission 3PL/2007/0115/D - Approved
3PL/2007/0115/D - Reserved matters approval for high dependency care assisted living units and communal hall - Approved
3PL/2006/0332/O - Outline planning permission - Proposed high dependency care assisted living units, communal hall and 30 bed care unit - Approved

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.09	Pollution and Waste
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.16	Design
DC.18	Community facilities, recreation and leisure
NPPF	With particular regard to paragraphs 7, 12, 14, 17, 28, 47, 56, 57, 58, 70, 97, 100

CONSULTATIONS

SWANTON MORLEY PC -

Objection to Planning Applications 3PL/2013/0626/F and 3PL/2013/0627/F

Please be advised that Swanton Morley Parish Council strongly objects to the aforementioned planning applications for further assisted living units on the Lincoln House site in Swanton Morley. This has been decided for the following reasons:

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1) Settlement Boundary

This development is outside the settlement boundary. The Parish Council spent a significant amount of time working with Breckland District Council's planning policy department and consulting with local residents about where future development in Swanton Morley should be, as part of the Local Development Framework. A site in the village was allocated for future development, and the settlement boundary was removed from the Woodgate area, in which the applicant wishes to develop. The Woodgate area is a small hamlet adjoining the main village with a separate character to the main village. A further 25 dwellings would be deemed as significant over development for this area. It was the wish of the residents and the Parish Council and agreed by the Breckland District Council's planning policy team that this area should have its settlement boundary removed. This was subsequently written into the LDF policy document which has been agreed as sound by the planning inspectorate. Building a further 25 dwellings in this area would not only make a mockery of the consultation the Parish Council undertook with the residents of the area, but also of the LDF document itself.

2) Access to the Site

The entrance to the Lincoln House development is on Woodgate Road. This road is very narrow and is unsuitable for the level of traffic that the Lincoln House site currently generates, let alone any further development. In the access statement the applicant states:

"It is anticipated that the proposal will not cause any more nuisance than already exists. It is also expected that many of the residents will not have cars".

The first sentence admits that the access to the site is already problematic. The latter statement is an assumption which is not based upon fact. The plans show a "typical garage addition" and indeed after the last bungalows were built, Breckland District Council had planning applications submitted to them to build additional garages. It is the experience of the Parish Council that most of the residents have vehicles (the applicant looks to provide 25 extra car parking spaces, therefore must be in agreement) and, adding the vehicle movements of visitors, will cause a dangerous level of traffic on a junction which is already very problematic. When the previous application was submitted in October 2012 the applicant admitted that no PCU (Private Car Usage) count had been performed, either for present usage or future usage. The Parish Council can see no evidence of a PCU count for this application. The Parish Council would like to see the evidence behind the applicant's aforementioned statements about vehicular access. The Parish Council would also like the Planning Committee to note the number of accidents which have occurred at the junction of Dereham Road and Woodgate. Local knowledge will testify to two in the past year alone.

3) Drainage

Residents of Woodgate are already subject to excess surface water overflowing from the site and flooding their properties, the surface water drainage pond being inadequate for the current development let alone a further 25 dwellings. The applicant states that the pond was built to accommodate future dwellings however, the local knowledge of the Parish Council and residents would testify that this is not sufficient.

4) The Usage Class of the Application

The applicant insists that the dwellings are of a C2 nature. The Parish Council, along with Breckland District Council's planning policy team (internal memos from Planning Policy to Development Control dated 22nd July 2013 refs: 2013[0626]170713 and 2013[0627]170713 showing as Appendix 1 and Appendix 2) insists that this is a C3 development. According to The Town and Country Planning (Use Classes) Order 1987, a C2 development is one for:
"Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre."

The applicant makes much of the independence that the development will give to residents. Appendix 3 shows an advertising poster in Swanton Morley promoting the bungalows as

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"Retirement Bungalows" and also emphasises the independent living for residents.

Appendix 4 shows an extract from the applicant's website which states

"In 2011 we successfully completed our latest innovative development, Woodgate Park in Swanton Morley, home to 24 spacious retirement bungalows for independent or assisted living".

From this statement on the applicant's website, the retirement bungalows can be used for assisted OR independent living, the word, "or" making the assisted living completely optional.

Residents are free to live there independently, making the dwellings classified as C3.

We would also like to draw the planning committee's attention to the following statement made by the applicant in the Design and Access Statement:

"The restrictions and conditions would be for the previous approved units all being linked to the Lincoln House Care Home and having a C2 use group"

The Parish Council objects to this statement, it being untrue and would like the Planning Committee to disregard this statement. The original intention of the units was that they were linked to the Lincoln House Care Home, and this was written into the section 106 agreement dated 24th January 2007 under item 6.2 (Appendix 5) as follows:

"The Units shall be operated as a care home for the elderly within the meaning of Section 3 of the Care Standards Act 2000 in connection with the Nursing Home at all times in the future"

The applicant applied for a variation of this Section 106 agreement, at which Breckland District Council agreed to remove this clause. This can be found under Section 5 of the Deed of Variation dated 2nd December 2008 (Appendix 6):

"Clause 6.2 of the Main Agreement shall be deleted"

The varied section 106 agreement now has no reference to the units being linked with the care home.

Furthermore, as evidence of the detachment of the units from Lincoln House Care Home, the applicant's own prospectus gives the property owner the opportunity to not sell the property back to the applicant, and sell the property on the open market (Appendix 7 Frequently Asked Questions):

"7. What happens to the property after it becomes vacant?

We have the first option to purchase the property. The option price will be determined by an independent surveyor, which both parties agree on.

If this option is not taken you can sell the property on the open market". The planning applications, the promotional literature and Section 106 agreement are completely at odds with each other. It is suggested that the applicant is applying for c2 usage to avoid any obligation to provide social housing, which the Enabling Officer at Breckland District Council acknowledges a need for, and green open space. With regards to social housing, when the applicant was granted planning permission for the original bungalows, the Parish Council was assured that some bungalows would be made available for social rent. Since then, the Parish Council has been made aware that as the rental properties have become vacant, then the applicant has then sold the properties on the open market, leaving only one property of the 24 available for rent. With regards to green open space, the applicant is denying residents the green open space they already enjoy by proposing to build over the wildflower meadow, and the applicant does not propose to replace this for the residents. This proposal has caused great upset to the current residents. The Parish Council held a meeting on 14th November 2012 to discuss the original proposal of 27 new dwellings and dementia unit. Below is an extract from the minutes of this meeting which make reference to the wildflower meadow:

"Mr R. Atterwill suggested that an alternative access to the dementia unit could be sought from the Tuddenham Road. The dementia unit could be sited on the current staff car park and another car park built. This would reduce the noise and visual impact for the people of Dereham Road. Residents of Woodgate Park objected to this idea as some had paid extra for field views and this would take the access road across the wildflower meadow. Dr Kaushal advised that he had promised residents he would not build on this land."

These minutes have been confirmed as a true and accurate record of the meeting held. It would

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seem that the applicant has gone back on his word about building on the wildflower meadow. It would be interesting to see what contractual obligations the residents have in place with the applicant about premium paid for the views over the wildflower meadow.

In conclusion, the Parish Council believes this development is a wholly inappropriate overdevelopment for Woodgate, giving no consideration for the wellbeing of the current residents and bringing no benefit to the village of Swanton Morley. We would ask the Planning Committee to take the concerns of the Parish Council and current residents very seriously. We appreciate that there is a need for care for an ever growing elderly population, but this development seeks to benefit no one bar the applicant.

We note the three letters of support supplied by the applicant, but would hasten to add that one letter is from the company where the applicant is the Managing Director and one is from Elmham surgery, where the applicant was a salaried doctor until November 2012.

Appendices available on the web site

Further comments 12th September, 2013

Further to receiving updated plans on the highway design for the aforementioned applications, Swanton Morley Parish Council considered these plans at its meeting on 9th September and would advise as follows:

Swanton Morley Parish Council continues to object to these applications and does not believe that the updated plans go any distance to addressing the safety of traffic entering the development via the Woodgate/Dereham Road junction. Only this week, the wooden bollard to prevent parking on the pavement by the junction on Dereham Road has been knocked down by a vehicle strike. This is the third time this year. Norfolk County Council Highways has indicated that they are considering not replacing this bollard should a further strike happen, due to the cost of constantly having to replace it. Not only does this provide evidence of the traffic movement by this dangerous junction, but we face the prospect of visibility being impaired in the future by vehicles parking on the path, should this bollard not be replaced.

In addition to this, we would question how a new 2m pathway to the Dereham Road will be feasible. Will this pathway narrow this already dangerous road? The pathway cannot be built on the applicant's land, as this land belongs to the Natural Trust to preserve land which belonged to the ancestors of Abraham Lincoln.

The Parish Council would be prepared to look again at the Highways aspect of this application if there were to be a new access route from the Tuddenham Road. This was raised to the applicant at the meeting with residents held to discuss the original application for 27 bungalows in November 2012. The Parish Council stands by its opinion as this is the safer option for access into the area, rather than putting pressure on a dangerous junction on a 90 degree bend in the road. We would like to remind members of the Planning Committee that the Dereham Road forms part of the B1147 which is a designated HGV route. This road suffers greatly from high usage and fast moving traffic entering the village.

We would, in addition to this, like to see wider roads within any future development. We feel that the ones proposed are too narrow to support any form of emergency vehicle trying to access the development.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions.

NATURAL ENGLAND

Natural England raises no objection to this proposal having confirmed that there is not likely to be

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a significant effect on the River Wensum SAC or the River Wensum SSI.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

No objection comments and recommendations made to the applicant which, if implemented, will reduce the likelihood of crime, disorder and anti-social behaviour.

ECONOMIC AND STRATEGY OFFICER

One fire hydrant is required. This could be delivered through a planning condition.

TREE & COUNTRYSIDE CONSULTANT

Tree protection fencing condition 3414 and the recommendations of Ravencroft Tree Services submitted plan should be appended to any consent.

ENVIRONMENTAL PLANNING

The site is outside of the Settlement Boundary of Swanton Morley where new residential development should be strictly controlled through Policy DC2 (Principles of New Housing) of the Adopted Core Strategy and guidance within the National Planning Policy Framework (NPPF). The Woodgate Settlement Boundary was removed as part of the Site Specifics Policies and Proposals DPD (adopted January 2012) to protect this part of the settlement from inappropriate development and infill which would harm the form and character of the area; it is considered that the cumulative impact of the 24 unit development permitted in 2007 and an additional 20 units would result in a hard new edge to the settlement of Seantong Morley and result in Coalesce with Woodgate. This is referenced within the Breckland District Settlement Fringe Landscape Assessment which recommended avoiding further nucleation and/or coalescence with the adjoining hamlet of Woodgate. This would now be further exacerbated by the introduction of an additional 5 units to the south of the existing built up area which is considered to provide an increased spatial area of built form in this part of Woodgate. Given its impact upon the landscape character of this part of Swanton Morley/Woodgate area it is recommended that the application is assessed against Core Strategy Policy CP11 (Protection and Enhancement of the Landscape).

The applicant classifies the assisted living units as C2 use; however the Use Classes Order (Land Use Gazetteer) consider units which are capable of independent living (which appears to be the case with this scheme) to be residential units and are therefore considered to be a C3 use. As such the principle of new residential dwellings in this location is contrary to the provisions of Core Strategy Policy DC2.

Given the C3 nature of the proposed use, it is considered the application(s) should provide 40% affordable housing as expected by Core Strategy Policy DC4 and to make a contribution towards open space in accordance with Core Strategy Policy DC11. However, it is appreciated it would be unreasonable to expect either childrens sports or outdoor play space to be provided given the proposed future users for the new dwellings, however the policy would expect some on-site amenity space to be provided. It is unclear whether the land surrounding the proposed dwellings is public amenity space, or whether the land proposed is sufficient to satisfy Core Strategy DC11 requirements.

The application would appear to comply with Policy DC14 (Energy Generation and Efficiency)

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where development above 10 units needs to supply 10% of their energy through on-site and/or decentralised renewable sources.

HOUSING ENABLING OFFICER

If accepted as a C2 use class, then there would be no requirement for affordable housing provision. However, if it were determined that the dwellings actually met the C3 use class then the development would be liable to an affordable housing contribution. There is a need within Breckland for this type of accommodation.

CONTAMINATED LAND OFFICER

No objections subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions relating to existing lighting, hours and operation noise.

ENVIRONMENT AGENCY - No Comments Received

REPRESENTATIONS

Letters of objection have been received raising the following issues:

Highway safety; drainage/flooding; increase in lighting/street lighting will exacerbate existing problem with lights from doctors surgery on constantly at night; understand there will be a new entrance made for construction vehicles - if this is off Woodgate Road this is unacceptable; access was one of the main objections to previous application.

Letters in support have been received from Norfolk County Council, Elmham Surgery and Castlemeadow Care commenting as follows:

Lincoln House provides a well managed environment to serve the varying health and social care needs of individuals who require increased care support; In the last few years there has been increasing emphasis towards end of life care in the community and Lincoln House has established protocols with the surgery to ensure all care needs are met in the home rather than requiring hospital or hospice admission; Woodgate Park provides a setting in which the residents can retain independence but have access to additional care facilities when required. The complex provides easy access to the surgery for medical needs; The proposed development will support individuals with dementia and rehabilitation needs; Norfolk County Council advise there is generally a shortage of care homes that can support the needs of people with significant dementia and care homes with nursing. The proposals are broadly in line with the overarching policy of more personalised care, closer to the patients home and supporting people to remain in their home for as long as reasonably possible.

ASSESSMENT NOTES

* The application is referred to the Planning Committee as it is a major application.

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Principle

* The application is a proposal for 20 assisted living units and is to be read in conjunction with a concurrent application for 5 assisted living units submitted under planning reference 3PL/2013/0627/F, included on this agenda.

* The site lies outside of the Settlement Boundary of Swanton Morley where new residential development should be strictly controlled in accordance with Core Strategy Policy DC2 and guidance set out in the NPPF.

* The Woodgate Settlement Boundary was removed as part of the Site Specifics Policies and Proposals Development Plan Document adopted in January 2012 to protect this part of the settlement from inappropriate development and infill which would harm the form and character of the area.

* The Breckland District Settlement Fringe Landscape Assessment recommends avoiding further nucleation and/or coalescence with Woodgate.

* Given its impact upon the landscape character of this part of Swanton Morley/Woodgate area it is also appropriate to assess the application against Core Strategy Policy CP11 (Protection and Enhancement of the Landscape).

* For the purposes of planning policy the proposed assisted care living units present some difficulties in terms of definitions of use, due to the specialised nature of the proposed accommodation. However, on the basis of the information provided, it is considered that these do not strictly fall within the definition of a C3 use (dwelling) and as such DC2 does not apply, nor is there any request for an affordable housing contribution. This is the approach taken with existing units on site.

* In support of the proposal it is argued that the development should not be viewed as a housing scheme but rather as an extension of the existing facilities provided at the Lincoln House Nursing Home. It is further argued that the development would provide much needed accommodation for the frail elderly.

* In line with current health care initiatives, the development would allow a seamless care service to be provided from semi-independent living accommodation through to full nursing care. Letters of support form part of the submission from Norfolk County Council, Elmham Surgery and Castlemeadow Care.

* 24 assisted living units together with a communal hall have already been built at the site. The applicants state that the concept of the development has worked better than previously anticipated. It meets the aims and objectives of numerous Department of Health and Social Care reports that look to tackle the challenges faced meeting the care needs of a growing elderly population, including preventing hospital admission, maintaining independence at home with effective back up support on demand when required and prevention of bed blocking in hospitals through early discharge.

* Owing to the success of Woodgate Park the applicants are now working with other health care agencies including the Norfolk and Suffolk NHS Foundation Trust in the prevention of hospital admissions and bed blockage in the wider community. The facilities provided for residents also include the existing communal hall for socialising, care workshops, active therapy, chiropody and hairdressing. The applicants state there is a growing demand for this type of dwelling and they have a waiting list.

* Should planning permission be granted for assisted living units at this site, a Section 106 Agreement is appropriate to ensure that the occupancy of the units is limited to persons over 60 years of age and in need of care.

Design

* The detailed design of the proposed assisted care living units and proposed external finishes would be in keeping with Lincoln House and the adjacent doctors' surgery. The units have been

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arranged to provide a compact form of development similar to the existing assisted living units at the site. The design and layout would create a varied and interesting roofscape when viewed from the surrounding area. It is considered that the design and appearance of the proposed units are acceptable and would be in keeping with the existing built form and local context. Materials are appropriate to the rural context comprising soft red brick, black weatherboarding, clay pantiles and timber windows. A condition requiring full details of materials is appropriate.

Amenity

* The proposed development would not have a significant impact on existing residential amenity and adequate regard has been given to the amenity of future occupants of the development site.

Highways

* Norfolk County Council Highways have been consulted on the proposal and following receipt of satisfactorily amended plans have raised no objections to the proposal subject to conditions.

Trees and Landscape

* The site, the subject of this application, benefits from good boundary screening and existing hedging is proposed to be retained together with new 1.2 m timber post and rail fencing where appropriate. The Tree and Countryside Consultant has been consulted on the proposal and no objections have been raised subject to conditions including tree protection fencing and that the development is carried out in accordance with the submitted Tree Constraints and Protection Plan. It is also proposed to landscape the development with native planting and trees. A landscaping scheme can be satisfactorily secured by way of an appropriate landscaping condition.

Contaminated Land

* The Contaminated Land Officer has been consulted and no objections have been raised subject to conditions.

Drainage

* The application site is within Flood Zone 1. Foul drainage from the development would be discharged to the existing mains sewer. Surface water from the proposed roads and buildings would be to the existing pond/lagoon as indicated and to existing adjacent ditches. The foul and surface water design has been previously undertaken by Messrs Plandescil Consulting Engineers in consultation with Anglian Water and the Environment Agency for the previous scheme and allowances were made for this potential new development. The Environment Agency has been consulted on the proposal and their response will be reported verbally to the Committee.

Conclusion

* The proposal would provide enhanced residential care facilities in line with current health care initiatives and having regard to the precedent set by existing built form at this site, including 24 assisted living units approved in 2007 together with a communal hall under planning permission reference 3PL/2007/0115/D, which are all now built and occupied. Visual impact from the additional units would be minimal and, in terms of highway safety, the scheme has been accepted by the Highways Authority. It is therefore recommended that permission be granted.

RECOMMENDATION

Planning Permission

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CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted
- MT03** External wall and roof materials to be agreed
- 3920** Highways - access/on site parking
- 3920** Highways - off site highway works
- 3920** Highways - off site highway works complete
- 3949** Contaminated Land - Site Investigation/Remediation
- 3946** Contaminated Land - Unexpected Contamination
- 3414** Fencing protection for existing trees
- 3920** In accordance with Tree Protection Plan
- DE08** Slab level to be arranged
- 3920** 10% renewables condition
- 3920** Landscaping
- 3920** Fire Hydrant provision
- 3923** Contaminated Land - Informative (Extensions)
- 3920** Highways Note
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2001** Application Approved Following Revisions
- 3995** Section 106 Note

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ITEM	7	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/0627/F	CASE OFFICER: Jayne Owen
LOCATION:	SWANTON MORLEY Lincoln House Care Home Dereham Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Lincoln House Care Home Dereham Road Swanton Morley	
AGENT:	Sketcher Partnership Ltd First House Quebec Street	
PROPOSAL:	5 Assisted Living Units (C2 use) Part 2 in conjunction with con-current app for 20 Assisted Living Units	

KEY ISSUES

Principle
Design
Amenity
Highways
Trees and landscape
Contaminated land

DESCRIPTION OF DEVELOPMENT

The proposal seeks the construction of 5 assisted living bungalows at Lincoln House Nursing Home. The overall site area is approximately 1.82 hectares which includes the doctors' surgery. It is proposed to retain existing hedging and use new 1.2 m high timber post and rail fencing where appropriate and new landscaping will include traditional Norfolk hedging and tree planting. Proposed materials comprise soft red brick, black weatherboarding, clay pantiles and timber windows.

The application is accompanied by a Contaminated Land Phase I Desk Study, a Design and Access Statement and Tree Constraints Plan.

SITE AND LOCATION

The application site comprises land outside the Settlement Boundary of the village of Swanton Morley. The site is on Woodgate Road adjacent the grounds of an existing 98 bed residential/nursing home, doctors' surgery, 24 assisted living units and communal hall.

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EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2013/0626/F - 20 Assisted Living Units (C2) Use - Not Yet Determined
3PL/2012/1060/F - 27 Assisted living units (C2) Use - Withdrawn
3PL/2012/1059/F Extension to community hall - Approved
3PL/2009/0242/F - 30 bed care unit - Approved
3MA/2009/0012/MA - Changes to garages and carports and plots 5 and 6 amendment to planning permission 3PL/2007/0115/D - Approved
3PL/2007/0115/D - Reserved Matters Approval for proposed high dependency care assisted living unit and communal hall - Approved
3PL/2006/0332/O - Outline planning permission for proposed high dependency care assisted living units, communal hall and 30 bed care unit - Approved

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.09	Pollution and Waste
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.16	Design
DC.18	Community facilities, recreation and leisure
DC.19	Parking Provision
NPPF	With particular regard to paras 7, 12, 14, 17, 28, 47, 56-58, 70, 97 & 100

CONSULTATIONS

SWANTON MORLEY PC -

Objection to Planning Applications 3PL/2013/0626/F and 3PL/2013/0627/F

Please be advised that Swanton Morley Parish Council strongly objects to the aforementioned planning applications for further assisted living units on the Lincoln House site in Swanton Morley.

This has been decided for the following reasons:

1) Settlement Boundary

This development is outside the settlement boundary. The Parish Council spent a significant amount of time working with Breckland District Council's planning policy department and consulting with local residents about where future development in Swanton Morley should be, as part of the Local Development Framework. A site in the village was allocated for future

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development, and the settlement boundary was removed from the Woodgate area, in which the applicant wishes to develop. The Woodgate area is a small hamlet adjoining the main village with a separate character to the main village. A further 25 dwellings would be deemed as significant over development for this area. It was the wish of the residents and the Parish Council and agreed by the Breckland District Council's planning policy team that this area should have its settlement boundary removed. This was subsequently written into the LDF policy document which has been agreed as sound by the planning inspectorate. Building a further 25 dwellings in this area would not only make a mockery of the consultation the Parish Council undertook with the residents of the area, but also of the LDF document itself.

2) Access to the Site

The entrance to the Lincoln House development is on Woodgate Road. This road is very narrow and is unsuitable for the level of traffic that the Lincoln House site currently generates, let alone any further development. In the access statement the applicant states:

"It is anticipated that the proposal will not cause any more nuisance than already exists. It is also expected that many of the residents will not have cars".

The first sentence admits that the access to the site is already problematic. The latter statement is an assumption which is not based upon fact. The plans show a "typical garage addition" and indeed after the last bungalows were built, Breckland District Council had planning applications submitted to them to build additional garages. It is the experience of the Parish Council that most of the residents have vehicles (the applicant looks to provide 25 extra car parking spaces, therefore must be in agreement) and, adding the vehicle movements of visitors, will cause a dangerous level of traffic on a junction which is already very problematic. When the previous application was submitted in October 2012 the applicant admitted that no PCU (Private Car Usage) count had been performed, either for present usage or future usage. The Parish Council can see no evidence of a PCU count for this application. The Parish Council would like to see the evidence behind the applicant's aforementioned statements about vehicular access. The Parish Council would also like the Planning Committee to note the number of accidents which have occurred at the junction of Dereham Road and Woodgate. Local knowledge will testify to two in the past year alone.

3) Drainage

Residents of Woodgate are already subject to excess surface water overflowing from the site and flooding their properties, the surface water drainage pond being inadequate for the current development let alone a further 25 dwellings. The applicant states that the pond was built to accommodate future dwellings however, the local knowledge of the Parish Council and residents would testify that this is not sufficient.

4) The Usage Class of the Application

The applicant insists that the dwellings are of a C2 nature. The Parish Council, along with Breckland District Council's planning policy team (internal memos from Planning Policy to Development Control dated 22nd July 2013 refs: 2013[0626]170713 and 2013[0627]170713 showing as Appendix 1 and Appendix 2) insists that this is a C3 development. According to The Town and Country Planning (Use Classes) Order 1987, a C2 development is one for:

"Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre."

The applicant makes much of the independence that the development will give to residents.

Appendix 3 shows an advertising poster in Swanton Morley promoting the bungalows as "Retirement Bungalows" and also emphasises the independent living for residents.

Appendix 4 shows an extract from the applicant's website which states

"In 2011 we successfully completed our latest innovative development, Woodgate Park in Swanton Morley, home to 24 spacious retirement bungalows for independent or assisted living".

From this statement on the applicant's website, the retirement bungalows can be used for

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assisted OR independent living, the word, "or" making the assisted living completely optional. Residents are free to live there independently, making the dwellings classified as C3. We would also like to draw the planning committee's attention to the following statement made by the applicant in the Design and Access Statement:

"The restrictions and conditions would be for the previous approved units all being linked to the Lincoln House Care Home and having a C2 use group"

The Parish Council objects to this statement, it being untrue and would like the Planning Committee to disregard this statement. The original intention of the units was that they were linked to the Lincoln House Care Home, and this was written into the section 106 agreement dated 24th January 2007 under item 6.2 (Appendix 5) as follows:

"The Units shall be operated as a care home for the elderly within the meaning of Section 3 of the Care Standards Act 2000 in connection with the Nursing Home at all times in the future"

The applicant applied for a variation of this Section 106 agreement, at which Breckland District Council agreed to remove this clause. This can be found under Section 5 of the Deed of Variation dated 2nd December 2008 (Appendix 6):

"Clause 6.2 of the Main Agreement shall be deleted"

The varied section 106 agreement now has no reference to the units being linked with the care home.

Furthermore, as evidence of the detachment of the units from Lincoln House Care Home, the applicant's own prospectus gives the property owner the opportunity to not sell the property back to the applicant, and sell the property on the open market (Appendix 7 Frequently Asked Questions):

"7. What happens to the property after it becomes vacant?

We have the first option to purchase the property. The option price will be determined by an independent surveyor, which both parties agree on.

If this option is not taken you can sell the property on the open market". The planning applications, the promotional literature and Section 106 agreement are completely at odds with each other. It is suggested that the applicant is applying for c2 usage to avoid any obligation to provide social housing, which the Enabling Officer at Breckland District Council acknowledges a need for, and green open space. With regards to social housing, when the applicant was granted planning permission for the original bungalows, the Parish Council was assured that some bungalows would be made available for social rent. Since then, the Parish Council has been made aware that as the rental properties have become vacant, then the applicant has then sold the properties on the open market, leaving only one property of the 24 available for rent. With regards to green open space, the applicant is denying residents the green open space they already enjoy by proposing to build over the wildflower meadow, and the applicant does not propose to replace this for the residents. This proposal has caused great upset to the current residents. The Parish Council held a meeting on 14th November 2012 to discuss the original proposal of 27 new dwellings and dementia unit. Below is an extract from the minutes of this meeting which make reference to the wildflower meadow:

"Mr R. Atterwill suggested that an alternative access to the dementia unit could be sought from the Tuddenham Road. The dementia unit could be sited on the current staff car park and another car park built. This would reduce the noise and visual impact for the people of Dereham Road. Residents of Woodgate Park objected to this idea as some had paid extra for field views and this would take the access road across the wildflower meadow. Dr Kaushal advised that he had promised residents he would not build on this land."

These minutes have been confirmed as a true and accurate record of the meeting held. It would seem that the applicant has gone back on his word about building on the wildflower meadow. It would be interesting to see what contractual obligations the residents have in place with the applicant about premium paid for the views over the wildflower meadow.

In conclusion, the Parish Council believes this development is a wholly inappropriate overdevelopment for Woodgate, giving no consideration for the wellbeing of the current residents

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and bringing no benefit to the village of Swanton Morley. We would ask the Planning Committee to take the concerns of the Parish Council and current residents very seriously. We appreciate that there is a need for care for an ever growing elderly population, but this development seeks to benefit no one bar the applicant.

We note the three letters of support supplied by the applicant, but would hasten to add that one letter is from the company where the applicant is the Managing Director and one is from Elmham surgery, where the applicant was a salaried doctor until November 2012.

Appendices available on the web site.

Further comments 12th September, 2013

Further to receiving updated plans on the highway design for the aforementioned applications, Swanton Morley Parish Council considered these plans at its meeting on 9th September and would advise as follows:

Swanton Morley Parish Council continues to object to these applications and does not believe that the updated plans go any distance to addressing the safety of traffic entering the development via the Woodgate/Dereham Road junction. Only this week, the wooden bollard to prevent parking on the pavement by the junction on Dereham Road has been knocked down by a vehicle strike. This is the third time this year. Norfolk County Council Highways has indicated that they are considering not replacing this bollard should a further strike happen, due to the cost of constantly having to replace it. Not only does this provide evidence of the traffic movement by this dangerous junction, but we face the prospect of visibility being impaired in the future by vehicles parking on the path, should this bollard not be replaced.

In addition to this, we would question how a new 2m pathway to the Dereham Road will be feasible. Will this pathway narrow this already dangerous road? The pathway cannot be built on the applicant's land, as this land belongs to the Natural Trust to preserve land which belonged to the ancestors of Abraham Lincoln.

The Parish Council would be prepared to look again at the Highways aspect of this application if there were to be a new access route from the Tuddenham Road. This was raised to the applicant at the meeting with residents held to discuss the original application for 27 bungalows in November 2012. The Parish Council stands by its opinion as this is the safer option for access into the area, rather than putting pressure on a dangerous junction on a 90 degree bend in the road. We would like to remind members of the Planning Committee that the Dereham Road forms part of the B1147 which is a designated HGV route. This road suffers greatly from high usage and fast moving traffic entering the village.

We would, in addition to this, like to see wider roads within any future development. We feel that the ones proposed are too narrow to support any form of emergency vehicle trying to access the development.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions.

NATURAL ENGLAND

Natural England raises no objection to this proposal having confirmed that there is not likely to be a significant effect on the River Wensum SAC or the River Wensum SSI.

CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER

No objection comments and recommendations made to the applicant which, if implemented, will

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reduce the likelihood of crime, disorder and anti-social behaviour.

TREE & COUNTRYSIDE CONSULTANT

Tree protection fencing condition 3414 and the provisions of Ravencroft Tree Services plan and recommendations should be appended to any consent.

ENVIRONMENTAL PLANNING

The application is a resubmission of application 3PL/2012/1060/F which appears to have been split in to two schemes under application (3PL/2013/0626/F) for 20 assisted living units and (3PL/2013/0627/F) for 5 assisted living units at Lincoln House Care Home, Swanton Morley. The site is situated outside of the settlement boundary of Swanton Morley where new residential development should be strictly controlled through Policy DC2 (Principles of New Housing) of the Adopted Core Strategy and guidance within the National Planning Policy Framework (NPPF).

Both applications differ to that of the previously withdrawn scheme by virtue of reducing the 27 units proposed under (3PL/2012/1060/F) to a scheme of 20 and relocating an additional 5 units to the south of number 14 Jasmine Walk, which is further south of existing built up area. The applications are running concurrently and should be considered in tandem.

The general thrust of comments made to application 3PL/2012/1060/F is still relevant, however, have been updated to reflect the application/s in question.

The Woodgate settlement boundary was removed as part of the Site Specifics Policies and Proposals DPD (adopted January 2012) to protect this part of the settlement from inappropriate development and infill which would harm the form and character of the area. Whilst the scheme (3PL/2013/0626/F) has been reduced from 27 to 20 units on the north eastern part of Woodgate Road, it is still considered that the cumulative impact of the 24 unit development permitted in 2007 and an additional 20 units would result in a hard new edge to the settlement of Swanton Morley and result in coalesce with Woodgate. This was specifically referenced within the Breckland District Settlement Fringe Landscape Assessment at page 294, which recommended that 'avoiding further nucleation and/or coalescence with the adjoining hamlet of Woodgate'. This would now be further exacerbated by the introduction of an additional 5 units to the south of the existing built up area which is considered to provide an increased spatial area of built form in this part of Woodgate. Therefore, given its impact upon the landscape character of this part of Swanton Morley/Woodgate area, it is recommended that the application be assessed against policy CP11 (Protection and Enhancement of the Landscape).

The applicant classifies the assisted living units within the planning application as C2 use; however, the Use Classes Order (Land Use Gazetteer) consider units which are capable of independent living (which appears to be the case with this scheme) to be residential units and are therefore considered to be a C3 use. As such, the principle of new residential dwellings in this location is contrary to the provisions of Policy DC2 of the adopted Core Strategy.

It is considered that given the C3 nature of the proposed use that the application/s should comply with the 40% of affordable housing as expected by Policy DC4. Furthermore, new residential dwellings are expected to contribute towards open space provision under Policy DC11. It is appreciated that it would be unreasonable to expect either children's sports or outdoor play space to be provided given the proposed future users for the new dwellings; however, in the first instance the policy would expect some on-site provision, such as amenity space to be provided. It is unclear from the location plan whether the land surrounding the proposed dwellings is public

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amenity space, or whether the quantum of land proposed (if any) is sufficient to satisfy Policy DC11 requirements.

The application provides an energy assessment which recommends an 18.22% reduction with the use of solar thermal Solar Thermal system, therefore would appear to comply with Policy DC14 (Energy Generation and Efficiency) where development above 10 units needs to supply 10% of their energy through on-site and/or decentralised renewable sources.

CONTAMINATED LAND OFFICER

No objections subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions relating to external lighting, hours of operation and noise levels.

ECONOMIC AND STRATEGY OFFICER - No Comments Received

ENABLING OFFICER - No Comments Received

ENVIRONMENT AGENCY - No Comments Received

REPRESENTATIONS

Letters of objection have been received raising the following issues:

Highway safety; drainage/flooding; increase in lighting/street lighting will exacerbate existing problem with lights from doctors surgery on constantly at night; understand there will be a new entrance made for construction vehicles if this is off Woodgate Road this is unacceptable; access was one of the main objections to previous application; area of open space has been drastically reduced and the view ruined for many of the residents by this proposal.

A petition has also been received with 22 signatures objecting on the grounds of loss of view and loss of meadow as open space. However, a number of signatories have subsequently written to withdraw their initial objections.

Letters in support have been received from Norfolk County Council, Elmham Surgery and Castlemeadow Care supporting the proposal on the following grounds:

Lincoln House provides a well managed environment to serve the varying health and social care needs of individuals who require increased care support; established protocols ensure all care needs are met in the home rather than requiring hospital or hospice admission; there is a shortage of care homes that can support the needs of people with significant dementia and nursing needs providing more personalised care, closer to the patients home and supporting people to remain in their home for as long as reasonably possible.

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ASSESSMENT NOTES

* The application is referred to the Planning Committee as it needs to be considered in tandem with application 3PL/2013/0626/F.

Principle

* The application is a proposal for five assisted living units.

* The site lies outside of the Settlement Boundary of Swanton Morley where new residential development should be strictly controlled in accordance with Core Strategy Policy DC2 and guidance set out in the NPPF.

* The Woodgate Settlement Boundary was removed as part of the Site Specifics Policies and Proposals Development Plan Document adopted in January 2012 to protect this part of the settlement from inappropriate development and infill which would harm the form and character of the area

* The Breckland District Settlement Fringe Landscape Assessment recommends avoiding further nucleation and/or coalescence with Woodgate.

* Given its potential to impact upon the landscape character of this part of Swanton Morley/Woodgate area it is also appropriate to assess the application against Core Strategy Policy CP11 (Protection and Enhancement of the Landscape).

* For the purposes of planning policy the proposed assisted care living units present some difficulties in terms of definitions of use, due to the specialised nature of the proposed accommodation. However, on the basis of the information provided, it is considered that these do not strictly fall within the definition of a C3 use (dwelling) and as such DC2 does not apply, nor is there any requirement for an affordable contribution. This is the approach taken with the existing units on site

* In support of the proposal it is argued that the development should not be viewed as a housing scheme but rather as an extension of the existing facilities provided at the Lincoln House Nursing Home. It is further argued that the development would provide much needed accommodation for the elderly whose health is failing.

* In line with current health care initiatives, the development would allow a seamless care service to be provided from semi-independent living accommodation through to full nursing care. Letters of support form part of the submission from Norfolk County Council, Elmham Surgery and Castlemeadow Care.

* 24 assisted living units together with a communal hall have already been built at the site. The applicants state that the concept of the development has worked better than previously anticipated. It meets the aims and objectives of numerous Department of Health and Social Care initiatives that look to tackle the challenges faced meeting the care needs of a growing elderly population, including preventing hospital admission, maintaining independence at home with effective back up support on demand when required and prevention of bed blocking in hospitals through early discharge.

* Owing to the success of Woodgate Park the applicants are now working with other health care agencies including the Norfolk and Suffolk NHS Foundation Trust in the prevention of hospital admissions and bed blockage in the wider community. The facilities provided for residents also include the existing communal hall for socialising, care workshops, active therapy, chiropody and hairdressing. The applicants state there is a growing demand for this type of dwelling and they have a waiting list.

* Should planning permission be granted for assisted living units at this site, a Section 106 Agreement is appropriate to ensure that the occupancy of the units is limited to persons over 60 years of age and in need of care.

Design

* The detailed design of the proposed assisted care living units and proposed external finishes

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would be in keeping with the Lincoln House development. The units have been arranged to provide a compact form of development similar to the existing assisted living units at the site. The design and layout would create a varied and interesting roofscape when viewed from the surrounding area. It is considered that the design and appearance of the proposed units is acceptable and would be in keeping with the existing built form and local context. Materials are appropriate to the rural context comprising soft red brick, black weatherboarding, clay pantiles and timber windows. A condition requiring full details of materials is appropriate.

Amenity

* The proposed development would not have a significant impact on existing residential amenity and adequate regard has been given to the amenity of future occupants of the development site.

Highways

* Norfolk County Council Highways have been consulted on the proposal and following receipt of satisfactorily amended plans have raised no objections to the proposal subject to conditions.

Trees and Landscape

* Existing hedging is proposed to be retained together with new 1.2 m timber post and rail fencing where appropriate. The Tree and Countryside Consultant has been consulted on the proposal and no objections have been raised subject to conditions including tree protection fencing and that the development is carried out in accordance with the submitted Tree Constraints and Protection Plan. It is also proposed to landscape the development with native planting and trees. A landscaping scheme can be satisfactorily secured by way of an appropriate condition.

Contaminated Land

* The Contaminated Land Officer has been consulted and no objections have been raised subject to conditions.

Drainage

* The application site is within Flood Zone 1. Foul drainage from the development would be discharged to the existing mains sewer. Surface water from the proposed roads and buildings would be to the existing pond/lagoon as indicated and to existing adjacent ditches. The foul and surface water design has been previously undertaken by Messrs Plandescil Consulting Engineers in consultation with Anglian Water and the Environment Agency for the previous scheme and allowances were made for this potential new development. The Environment Agency has been consulted on the proposal and their response will be reported verbally to the committee.

Conclusion

* The proposal would provide enhanced residential care facilities in line with current health care initiatives and having regard to the precedent set by existing built form at this site, including 24 assisted living units approved in 2007 together with a communal hall. It is therefore recommended that permission be granted.

RECOMMENDATION

Planning Permission

CONDITIONS

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- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted
- MT03** External wall and roof materials to be agreed
- 3920** Highways - access/parking.turning
- 3920** Highways - off site highway works
- 3920** Highways - off site highway works complete
- 3944** Contaminated Land - Desk Study/Site Investigation
- 3946** Contaminated Land - Unexpected Contamination
- 3414** Fencing protection for existing trees
- 3920** In accordance with Tree Protection Plan
- DE08** Slab level to be arranged
- 3920** 10% renewables condition
- 3920** Landscaping
- 3920** Fire Hydrant provision
- 3923** Contaminated Land - Informative (Extensions)
- 3920** Highways Note
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2001** Application Approved Following Revisions
- 3995** Section 106 Note

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ITEM	8	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/0641/F	CASE OFFICER: Jayne Owen
LOCATION:	FRANSHAM AND GREAT DUNHAM/ KEMPSTONE/BEESTON/ MILEHAM/STANFIELD/ WHISSONSETT/	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Dudgeon Offshore Wind Ltd c/o Statkraft 4th Floor	
AGENT:	Royal Haskoningdhv 2 Abbey Barns Westminster	
PROPOSAL:	Various amendments to permitted on shore cable route between Ryburgh & Fransham	

KEY ISSUES

Provision of renewable energy
Highway safety/traffic impact on a corridor of movement
Residential amenity
Landscaping
Visual Impact

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for various amendments to the permitted on shore cable route between Ryburgh and Fransham. The cable system within the amended sections will be identical to that proposed within the permitted cable corridor. The Dudgeon onshore electrical cable system will comprise the following components.

A buried cable system, consisting of up to three circuits, with each circuit comprising three electrical cables.

Fibre optic communication cables (one per circuit)
Earth continuity cables (one per circuit) (if required)
Cable joint bays; and
Cross bonding pits and/or cross bonding pillars (if required).

SITE AND LOCATION

The approved cable route runs between Ryburgh and Necton.

EIA REQUIRED

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No

RELEVANT SITE HISTORY

3PL/2012/0703/F - Construct new substation and section of onshore electrical cable route (Fransham Wood to Necton Substation) - Approved
3PL/2009/1189/F - A 45 m buried cable system between landfall at Weyborne Hope (North Norfolk) and Necton (Breckland) - Approved
3PL/2008/1558/F - Temporary anemometer mast up to 70 m in height, supported by guy wires with maximum diameter of 48 m - Approved

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.05	Developer Obligations
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.12	Energy
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.15	Renewable Energy
DC.16	Design
DC.17	Historic Environment
DC.19	Parking Provision
NPPF	With particular regard to paras 7,8,9,11,12,13,14,15,17,56-66,93,94,95,97,98,99,100,109-118,126-128

CONSULTATIONS

FRANSHAM P C - No Comments Received
GREAT DUNHAM P C - No Comments Received
KEMPSTONE P C - No Comments Received
MILEHAM P C - No Comments Received
STANFIELD P C - No Comments Received
WHISSONSETT P C - No Comments Received
HORNINGTOFT P C - No Comments Received
COLKIRK P C - No Comments Received
NECTON P C - No Comments Received
BEESTON P C -

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The Parish Council has no objection to the amended route.

GATELEY PARISH MEETING -

No objections

TITTLESHALL P.C. -

The Parish Council has no objection to the amendments.

LITTLE DUNHAM P C -

Little Dunham Parish Council has no comment on the substance of the application but in all the supporting paperwork, they are inaccurate

The sub station is going to Necton and not to Little Dunham as the paperwork states Necton has been approved, not Little Dunham

CLERK TO RYBURGH PARISH COUNCIL -

Unable to comment as no detailed plans for Ryburgh in pack

CLERK TO PUDDING NORTON PARISH COUNCIL -

The members had no comment to make.

ENVIRONMENT AGENCY

The Agency has no objection in principle to the proposed amendments; our comments (AC/2012/117404) and recommendation made under your reference 3PL/2012/0703/F remain pertinent.

ENGLISH HERITAGE

No detailed comments, but advise cable route should avoid all schedule monuments and other archaeological sites.

THE RAMBLERS ASSOCIATION

We neither support nor object to this proposal, but if it goes ahead, we note that the applicant is aware of the need to apply for diversion orders where public rights of way are interrupted by their work. We would ask that such orders are sought for the shortest possible time, and that wherever possible, alternative diversionary route are available to legitimate users.

NATURAL ENGLAND

If undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interests features for which River Wensum SAC and North Norfolk Coast SPA, SAC and Ramsar have been classified.

The LPA should also consider the other possible impacts resulting from this proposal e.g. impact on protected species, impacts on local landscape character (if any) having regard to any local landscape character assessment as may be appropriate and opportunities for biodiversity enhancements.

TREE & COUNTRYSIDE CONSULTANT

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No objection.

All the relevant conditions pertaining to the original route described in 3PL/2009/1189/F should be appended to any consent of this amendment.

ENVIRONMENTAL HEALTH OFFICERS

No objection.

CONTAMINATED LAND OFFICER

No objection.

HISTORIC ENVIRONMENT OFFICER - No Comments Received

NORFOLK WILDLIFE TRUST - No Comments Received

NORFOLK COUNTY COUNCIL HIGHWAYS - No Comments Received

NORTH NORFOLK DISTRICT COUNCIL - No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

* The application is referred to the Planning Committee as it is a major application.

Principle

* The principle of this development has been approved under previous planning permission 3PL/2012/0703/F. The onshore cable route amendments are located within the jurisdictions of both North Norfolk and Breckland District Councils.

* The application seeks approval for amendments to the approved on shore cable route between Ryburgh and Necton.

* Policy DC15 Renewable Energy of the adopted Breckland Core Strategy states that proposals for renewable energy will be supported in principle. The application seeks approval for an onshore electrical connection so that the Dudgeon Offshore Wind Farm can be connected to the national electricity transmission system. The scheme is therefore supported in principle by the adopted Core Strategy.

* The applicants advise that the majority of these amendments have been proposed by the landowners themselves and if consented they will allow the project to be delivered in a way which would be preferred by landowners. The amendments are limited to changes within the landowners' own property boundaries and have been reviewed by the applicants' technical specialists and environmental consultants who have confirmed that the amendments are feasible and do not represent any material change to the potential environmental impact of the already permitted cable corridor.

Residential amenity

* It is not considered that the proposal will result in any significant impacts with regard to existing residential amenity and there will be no public health and safety risks arising from the alterations

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to the originally approved on shore cable route.

Nature conservation, archaeology and landscaping

* In terms of impact on the environment, with regard to nature conservation, archaeology and landscaping; these are addressed within the Environmental Statements, with any changes addressed within the Cable Route Amendment Environmental Report. The cable route amendments have been designed to avoid and/or minimise impacts to local biodiversity, where possible, and have been carefully located to avoid direct impacts to any nationally designated archaeological resources such as Listed Buildings or Scheduled Monuments, as well as sites listed on the Norfolk Historical Environmental Records. None of the cable route amendments fall within any designated areas.

* For the cable there will be short term impacts on landscape character but during operation the only visible above ground features will be cross bonding pits/or pillars which will have a negligible visual impact.

* No objections have been received from Natural England, the Environment Agency or the Tree and Countryside Consultant.

Conclusion

* The application is recommended for approval as the scheme proposes acceptable amendments to a previously approved on shore cable route and would enable the provision of renewable energy and would not result in an unsatisfactory level of impact on highway safety, residential amenity, landscape or biodiversity.

* Proposed conditions as previously will cover landscaping, highway safety, residential amenity, soil management, noise, construction hours, surface and foul water drainage, contamination, biodiversity, external lighting and a Deed of Variation tying the amended planning permission to the original Section 106 Obligation ensuring the provision of wildlife corridors.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3046** In accordance with submitted plans
- 3920** Details of phasing of cables installation
- 3920** Cable installation and trench works
- 3920** Details of cable layout
- 3920** Cables trenches/activities details
- 3920** Archaeological condition
- 3920** EAP submission
- 3920** Geodiversity interest details
- 3920** Landscaping scheme
- 3920** Satellite Cable construction compounds
- 3920** Construction Method Statement
- 3920** Ground contamination condition
- 3920** Contamination condition
- 3920** Pollution Prevention condition

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- 3920** Construction Management Travel Plan
- 3994** Highway NOTE
- 3994** Variation NOTE
- 3994** Discharge NOTE
- 2001** Application Approved Following Revisions

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ITEM	9	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/0672/F	CASE OFFICER: Jemima Dean
LOCATION:	HARLING Land East of Lopham Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: Y LB GRADE: N
APPLICANT:	Mr David Taylor C/o Agent	
AGENT:	ADM Architectural Flint Cottage Shropham Road	
PROPOSAL:	MMA to 3PL/2010/0374/F in respect of enlargement of plot 2 & amended fenestration & position of plots 13, 14 & 15	

KEY ISSUES

Neighbour amenity
Design

DESCRIPTION OF DEVELOPMENT

The application seeks to amend condition 2 of planning permission 3PL/2010/0374/F to enlarge plot 1 of the approved application. Amendments to fenestration and minor adjustments to the position of plots 13, 14 and 15 are also proposed.

SITE AND LOCATION

The application site comprises a parcel of land just beyond the Settlement Boundary of East Harling. The site currently exists as overgrown grassland and comprises the site of an approved residential development of 15 dwelling units.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2010/0374/F - Planning permission was granted 18th August 2010 for residential development (15 units) and open space.

POLICY CONSIDERATIONS

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The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

DC.01	Protection of Amenity
DC.16	Design
NPPF	With particular regard to paras. 9 and 17

CONSULTATIONS

HARLING P C -

HPC have no objections to this application

TREE & COUNTRYSIDE CONSULTANT

No comment

NORFOLK COUNTY COUNCIL HIGHWAYS - No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

* The application is referred to Planning Committee as it relates to a major application.

Residential amenity and design

* The proposed development comprises the minor enlargement of one of the properties, fenestration changes and the relocation of a terrace of three properties. The changes would not impact on the residential amenity of future occupiers of any existing dwellings. It is not considered the proposed changes would result in harm in terms of design.

Conclusion

* The application is recommended for approval subject to the same conditions as the original application.

RECOMMENDATION

Planning Permission

CONDITIONS

3920 As previous application 3PL/2010/0374/F

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ITEM	10	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/0739/F	CASE OFFICER: Jayne Owen
LOCATION:	NARFORD Land off Low Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Hursit SPV1 Limited c/o Agent	
AGENT:	Savills (UK) Ltd Unex House 132-134 Hills Road	
PROPOSAL:	Minor Material Amendment to 3PL/2012/1036/F to include provision of additional structure on site	

KEY ISSUES

Principle of development
Design and appearance
Landscape impact
Biodiversity
Amenity
Flood risk
Highways

DESCRIPTION OF DEVELOPMENT

The application seeks a minor material amendment to 3PL/2012/1036/F. The amendment relates to the provision of an additional building for the use of storing spare equipment as may be required for the maintenance of the site. The proposed building would be a metal structure and would measure 2.5 m by 3 m with a maximum height of 2.6 m. The container would be coloured moss green and would be located along the access track towards the north western corner of the site, adjacent to the approved switchgear building.

SITE AND LOCATION

The site is located outside the village of Narford and the Settlement Boundary of Narborough. The site is located approximately 2 km south-east of Narborough and 1.5 m to the south of Narford Hall. The site comprises an arable field which slopes slightly from the north-east to the south-west. The site adjoins Low Road to the west which is a public right of way open to both pedestrians and horse riders.

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EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2012/1036/F - Solar photovoltaic panels and associated works including inverter housings, access tracks and security fencing and cameras - Approved

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.12	Energy
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.15	Renewable Energy
DC.16	Design
NPPF	With particular regard to paragraphs 12, 14, 17, 56-58, 93-100, 109, 117, 118, 120, 123

CONSULTATIONS

NARFORD P C - No Comments Received

NARBOROUGH P C -

We have no objections to this application

NORFOLK COUNTY COUNCIL HIGHWAYS

Thank you for your consultation regarding the above application.

I understand the building is required for ancillary purposes for the storage of spare equipment as required associated with the maintenance of the solar farm.

In light of the above I would raise no objection to this application.

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TREE & COUNTRYSIDE CONSULTANT

No comment

ENVIRONMENTAL HEALTH OFFICERS

There are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

THE RAMBLERS

No comment

ENVIRONMENT AGENCY - No Comments Received

MINISTRY OF DEFENCE - No Comments Received

NORFOLK LANDSCAPE ARCHAEOLOGY - No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

* The application is referred to Planning Committee as it is a major application.

Principle of development

* The principle of the development is already established under original planning consent granted under reference 3PL/2012/1020/F.

Design and appearance

* The design, siting, scale and appearance of the proposed site storage container is considered acceptable having regard to the existing approved scheme which has been constructed.

Landscape Impact

* The proposed container would be coloured moss green and would be located along the access track towards the north western corner of the site adjacent to the approved switchgear building. There are limited public views other than from the public right of way which runs along the southern boundary of the site. It is not considered that the additional storage container, which would be sited adjacent to existing approved structures in association with the solar park, would have a significant visual impact in relation to the character and appearance of the countryside in this location. The Tree and Countryside Consultant has raised no objections to the proposal.

Biodiversity

* The Tree and Countryside Consultant has raised no objections to the proposal.

Amenity

* The scheme remains acceptable in terms of impact on neighbouring properties.

Flood Risk

The Environment Agency has been consulted on the proposal and it is considered that the proposed additional building will have no impact on the previously agreed drainage scheme.

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Highways

* Norfolk County Council Highways have raised no objections on the basis that the building is required for ancillary purposes for the storage of spare equipment associated with the maintenance of the solar farm.

Conclusion

* The principle of the development of the site for use as a solar park is already established under original planning consent granted under planning permission reference 3PL/2012/1036/F and the approved scheme has been constructed. It is considered that the additional building is acceptable having regard to design, siting, scale and appearance. It is further considered that the additional building would have no significant visual impact in relation to the character and appearance of the countryside in this location. The Environment Agency and Contaminated Land Officer have raised no objections. Norfolk County Council Highways raise no objections on the basis that the building is required for ancillary purposes for the storage of spare equipment in association with the maintenance of the approved solar farm.

* Approval is recommended subject to conditions.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3048** In accordance with submitted
- 3920** Environment Agency condition
- 3920** Noise condition
- 3920** Archaeological condition
- 3920** Archaeological condition
- 3920** Landscaping condition
- 3920** Ecological Management Plan
- 3920** 25 year time limit
- 3920** Visibility
- 3920** In accordance with CTMS
- 3920** Wheel cleaning facilities
- 3920** Off site highway works
- 3920** On site provision for abnormal wear and tear
- 3920** POC building to be timber clad and painted
- 3920** Piling condition
- 3920** Tree and Hedge retention
- 3920** No floodlighting
- 3920** Colour of inverter cabins to be agreed
- 3920** Start of works
- 4000** Variation of approved plans
- 3998** NOTE: Reasons for Approval
- 3996** Note - Discharge of Conditions
- 3994** Highways Note
- 2001** Application Approved Following Revisions

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ITEM	11	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/0747/F	CASE OFFICER: Jayne Owen
LOCATION:	LITCHAM Land West of Tittleshall	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Claramond Solar SPV 1 Ltd c/o Agent	
AGENT:	Savills (UK) Ltd Unex House 132-134 Hills Road	
PROPOSAL:	Minor Material Amendment to 3PL/2012/1020/F to enable additional structure to be erected on site	

KEY ISSUES

Principle of development
Design and appearance
Landscape Impact
Biodiversity
Amenity
Flood Risk
Highways
Contaminated Land

DESCRIPTION OF DEVELOPMENT

The application seeks a minor material amendment to planning permission 3PL/2012/1020/F. The amendment relates to the provision of an additional building for the use of storing spare equipment as may be required for the maintenance of the site. The proposed building would be a metal structure and would measure 2.5 m by 3 m with a maximum height of 2.6 m. The container would be coloured moss green and will be located along the access track along the northern boundary of the site adjacent to the approved switchgear building.

SITE AND LOCATION

The site comprises agricultural land which lies approximately 1.8 m to the south-west of the nearest settlement of Tittleshall outside any Settlement Boundary and within open countryside. The site comprises a roughly rectangular shaped arable field with a portion of a second field to the south also incorporated. The site is bounded by hedgerows and tree belts with a minor road adjoining the eastern boundary of the site. Wellingham Heath lies to the north

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EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2012/1020/F - Solar photovoltaic panels and associated works including inverter housings, access tracks and security fencing - Approved

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework have also been taken into account, where appropriate

CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.12	Energy
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.15	Renewable Energy
DC.16	Design
NPPF	With particular regard to paragraphs 12, 14, 17, 56-58, 93-100, 109, 117, 118, 120, 123

CONSULTATIONS

TITTLESHALL P.C. - No Comments Received

WELLINGHAM P C - No Comments Received

LITCHAM P C -

The Parish Council has no objection to this application.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection on the basis that the building is required for ancillary purposes for the storage of spare equipment as required associated with the maintenance of the solar farm.

THE RAMBLERS

No comment

TREE & COUNTRYSIDE CONSULTANT

No objection

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CONTAMINATED LAND OFFICER

I refer to the above mentioned planning application. I note that a plan showing the proposed location of the storage container does not appear to have been provided. However, I have considered the application and would not raise any contaminated land objections based on both the accuracy of the information provided and the current records of contaminated land issues we hold to date.

NATIONAL GRID

National Grid has No Objection to the above proposal which is in close proximity to a high-pressure gas pipeline i Feeder 27 Bacton to Kings Lynn & Feeder 02 Brisley to Wisbech Nene West.

This No Objection letter is sent on the basis that a Deed of Consent is entered into for any National Grid Transmission pipeline that the cable(s) from the Solar Farm would need to cross.

I have also enclosed a location map to show the location of our National Grid high-pressure gas pipeline(s) within the vicinity of your proposal and associated information below.

ENVIRONMENTAL HEALTH OFFICERS

No objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

ENVIRONMENT AGENCY - No Comments Received

HEALTH & SAFETY EXECUTIVE - No Comments Received

PRINCIPAL PLANNER MINERAL & WASTE POLICY - No Comments Received

NORFOLK LANDSCAPE ARCHAEOLOGY - No Comments Received

R S P B - No Comments Received

CPRE NORFOLK - No Comments Received

REPRESENTATIONS

Representations have been received raising the following issues:

Yet more construction is incomprehensible; Why was the need for this building not recognised at the time of the original application; Will there be more applications leading to further industrialisation of open countryside; Does the application provide an opportunity to improve the design of what has already been erected and make this a condition of approval of the additional structure e.g. dark timber boarding and clay pantiled roof.

ASSESSMENT NOTES

* The application is referred to Planning Committee as it is a major application

Principle of development

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* The principle of the development is already established under original planning consent granted under reference 3PL/2012/1020/F.

Design and appearance

* The design, siting, scale and appearance of the proposed site storage container is considered acceptable having regard to the existing approved scheme which has been constructed.

Landscape Impact

* The proposed additional building would be located along the access track along the northern boundary of the site adjacent to the approved switchgear building and Point of Connection Building. It is not considered that, having regard to the already approved scheme including existing and proposed landscaping, the additional building would have any significant additional visual impact in relation to the character and appearance of the countryside. The Tree and Countryside Consultant has raised no objections to the proposal.

Biodiversity

* The Tree and Countryside Consultant has raised no objections to the proposal.

Amenity

* The scheme remains acceptable in terms of impact on neighbouring properties

Flood Risk

* The Environment Agency has been consulted on the proposal and it is considered that the proposed additional building will have no impact on the previously agreed drainage scheme. No objections are therefore proposed to the minor material amendment.

Highways

* Norfolk County Council raise no objections on the basis that the building is required for ancillary purposes for the storage of spare equipment as required in association with the maintenance of the solar farm.

Contaminated Land

* No objections based on both the accuracy of the information provided and the current records of contaminated land issues held to date.

Conclusion

* The principle of the development of the site for use as a solar park is already established under original planning consent granted under planning permission reference 3PL/2012/1020/F and the approved scheme has been constructed. It is considered that the additional building is acceptable, having regard to design, siting, scale and appearance.

* It is further considered that the additional building would have no significant impact in relation to visual amenity in relation to the character and appearance of the countryside. The scheme remains acceptable in relation to impact on neighbouring properties. The Environment Agency and Contaminated Land Officer have raised no objections. Norfolk County Council Highways raise no objections on the basis that the building is required for ancillary purposes for the storage of spare equipment in association with the maintenance of the approved solar farm.

RECOMMENDATION

Planning Permission

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CONDITIONS

- 3048** In accordance with submitted
- 3920** EA Condition
- 3920** Ecological Management Plan
- 3920** 25 year time limit
- 3920** POC building to be timber clad
- 3920** Visibility splays
- 3920** In accordance with CTMS
- 3920** Wheel cleaning facilities
- 3920** Off site highway works
- 3920** Provision for addressing abnormal wear and tear
- 3412** Trees/hedges to be retained
- 3920** Landscaping
- 3920** Boundary hedging RSNR
- 3920** No floodlighting
- 3920** Piling condition
- 3920** Development to commence before start of breeding season
- 3920** Noise condition
- 3920** Colour of Inverter cabins
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 3994** Highways Note
- 2001** Application Approved Following Revisions