

Item No.	Applicant	Parish	Reference No.
1	Mr H S Thompson	NORTH ELMHAM	3PL/2013/1045/O
2	AVIC-PCI Ltd	SOUTH LOPHAM	3PL/2014/0143/F
3	Mr P Freeman	GARVESTONE	3PL/2014/0235/F
4	Mr S Knowles	MILEHAM	3PL/2014/0328/O

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ITEM	1	RECOMMENDATION : APPROVAL
REF NO:	3PL/2013/1045/O	CASE OFFICER: Jason Parker
LOCATION:	NORTH ELMHAM Station Yard	APPN TYPE: Outline
APPLICANT:	Mr H S Thompson Lodge Farm Castle Acre	POLICY: In Settlemnt Bndry
AGENT:	Mr H S Thompson Lodge Farm Castle Acre	ALLOCATION: No Allocation
PROPOSAL:	Residential development for 19 dwellings	CONS AREA: N TPO: N
		LB GRADE: N

SEE REPORT AT AGENDA ITEM 9

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ITEM	2	RECOMMENDATION : APPROVAL
REF NO:	3PL/2014/0143/F	CASE OFFICER: Jemima Dean
LOCATION:	SOUTH LOPHAM Land south of A1066 Thetford Road	APPN TYPE: Full POLICY: Out Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	AVIC-PCI Ltd Grosvenor Gardens House Grosvenor Gar	
AGENT:	Richard Pike Associates Jonathan Scott Hall Thorpe Road	
PROPOSAL:	Installation of a 10MW solar farm and associated infrastructure	

KEY ISSUES

Principle of development
Impact on character and appearance of the locality
Loss of agricultural Grade 2 land
Impact on amenity
Flood risk
Archaeology
Highways
Impact on heritage assets
Ecology Issues
Rights of way

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for a solar farm comprising the installation of approximately 34,000 photovoltaic (PV) modules, 6 power inverter / transformer cabinets, one sub-station, security fencing and associated access gates, and security cameras. The dimensions and location of all ancillary facilities are detailed within the drawings submitted with the application.

The application site comprises 19.07 hectare with the panels themselves covering an area of approximately 17 hectares.

Panels would be laid out in rows running east to west across the application site with 5m between each row. Each panel would be approximately 0.99m x 0.96m arranged as two panels end to end forming a total length when mounted to the frame of approximately 3.9m. Panels would be approximately 0.6m off the ground at the lower end and 2.3m at the higher end. The mounting

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structure for the panels is a metal frame securely fixed to the ground which would provide a route for electrical wiring. Service connections between the groups of panels, and the substation would all be underground.

The solar panels would be installed at approximately 25° from horizontal and faced in a southerly direction to ensure optimum year-round solar collection. Individual panels would be typically black in colour with a light grey frame, treated with an anti reflective coating to increase efficiency and the low angle of the repose also reduces the occurrence of reflection.

The six inverter / transformer cabinets would each have a central floor area approximately 8m x 3m and two side wings with a floor area 2.6m x 1.2m. The two wings would have a flat roof to 2.3m. The central section of inverter cabin would have a pitch roof with an overall height of 2.57m and height to the eaves of 2.3m. These would be spaced at regular intervals located along the western boundary of the site to the west of the panels. The cabinets would accommodate the inverter, transformer and associated equipment to convert the energy required by the national grid.

The proposed electricity substation would be approximately 7.7m x 5m with a pitch roof. It would have a ridge height of around 4.7m and height to the eaves of 3.2m. It would be brick-built with timber cladding finish details of material would be secured via planning condition. The substation would be located to the north west corner of the application site.

As part of the development a new 2.4m high wire grill fence would be erected around the perimeter of the site combined with appropriate landscaping. A total of 10 CCTV security cameras are proposed at intervals around the site boundary which would be mounted on poles approximately 3m in height.

It is anticipated that the solar farm would generate in the region of 10MW of electricity annually, which would be supplied to domestic and commercial consumers via the local distribution network.

Access to the site would be along an existing access track approximately 175m via Thetford Road (A1066) which runs to the north of the application site. This access would also be used during the construction period.

It is estimated that the construction of the solar farm would generate approximately 160-200 vehicular movements to the site during the construction period. It is anticipated that the proposed development would generate approximately 3-4 HGV trips to the site per day. Once operational the site would be unmanned with operational activities limited to occasional visits for maintenance; therefore vehicular movements would be minimal. It is expected that the solar farm would have a life expectancy of 25-30 years.

SITE AND LOCATION

The site comprises an area approximately 19.07 hectare of agricultural land, currently in use, located within the open countryside. The most part of the site comprises grade 2 agricultural land while the south east and south west corners of the application site are grade 3. The site constitutes an L shaped parcel of land to the south of the A1066 set back by approximately 175m.

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The land slopes gently southwards toward Blo Norton Road and Clay Hall Lane.

Broadly speaking the site is made up of three adjoining fields, most of which are bounded by existing hedgerows / trees / ditches. A ditch, with a pond combined runs through the southern section of the site. There are a total of seven ponds within 500 metres of the development site (both on and adjacent to the application site). The northern boundary of the site is open with cultivated arable land running through to Thetford Road.

The north / east boundaries comprise mature trees and intermittent hedging beyond which is the market garden to the south of Mill House Farm. To the south / east of the application site boundaries comprise rows of mature poplar intermittent with oak trees.

The southern boundary of the site, approximately 500m long comprises a ditch and intermittent informal hedging including some mature deciduous trees. The south east boundary is defined by shallow ditches, mature trees and intermittent informal hedging, beyond which is a track known as Top Drag Way and beyond this arable land.

The north west boundary of the site comprises shallow ditches and a track which provides farm access and is largely open with some intermittent trees. Views extend toward Garboldisham. Further to the south the boundary becomes more dense in terms of established informal hedging and mature trees.

The nearest properties are Mill Pond Farm 100m to the north, Mill House 150m to the north east, Driftway Farm to the 300m to the east, and Clay Hall 350m to the south west. A number of other properties to the south of the site are along Clay Hall Lane and Blo Norton Road.

There are Conservation Areas at South Lopham and Garboldisham and a number of Listed Buildings including the Grade I Listed Church of St Andrew within the Parish. The nearest Listed Buildings are the Grade II Listed Noodle Farm, approximately 550m to the south-east, and Willow Tree Cottage 550m to the north-east.

The nearest designated public footpath to the application site is Lower Drag Way to the east of the application site. The site falls within the Settled Tributary Farmland Landscape Character Area. The site has no designation in terms of ecological interest. Lopham and Redgrave Fen a SSSI, SAC and Ramsar site is located approximately 2km to the south of the application site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

Screening opinion concluded not EIA development 11th November 2013 (3SR/2013/0016/SCR)

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

CP.11	Protection and Enhancement of the Landscape
CP.12	Energy
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.15	Renewable Energy
DC.16	Design
DC.17	Historic Environment
DC.21	Farm Diversification
NPPF	With particular regard to paras 97, 98, 28, 112

CIL / OBLIGATIONS

Not Applicable

CONSULTATIONS

GARBOLDISHAM P C -

No indication of cable routing; loss of agricultural land and visual impact. Suggests that Brownfield Sites are used.

SOUTH LOPHAM PARISH COUNCIL -

In principle support alternative forms of energy production, however, this particular site is completely the wrong location for a solar farm. Against current government policy and planning guidelines.

BLO' NORTON P C -

Twenty five years is a considerable length of time and it is not clear who will be responsible for decommissioning the site and removal. No detail of financial bond. Lack of public consultation. Solar farm will dominate the outlook to the north of the lane and no amount of screening will lessen visual impact. Concerns of noise issue. Disagree with the some points in the assessments. Glint and reflection to the south. Creating industrial landscape.

NORTH LOPHAM P C -

Comments dated 25-03-1024

North Lopham Parish Council unanimously reject this application. In brief we consider that aspects of the planning statement are incorrect or incomplete. That consideration has not been given to the recommendations of MP's and Parliament in respect of the siting of large scale solar farms. No economic benefits to the area only to the investor and landowner; not sustainable development; development not in accordance with NPPF paragraph 112; loss of Grade 2 agricultural land and no justification put forward; agree with the statements of Government Ministers that brown field and developments related to roof tops etc are the most suitable locations; inadequate public consultation; no reference is made to the level of response in relation to the request for a screening opinion; comments from the screening opinion not brought forward;

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proper weight not given to landscape, visual impact, heritage, and local amenity; close to residential dwellings; inadequate information on vehicular access and highway safety; inadequate information on noise and no evidence provided as to ambient noise level in relation to 61dbA at 10m no sound attenuation is shown on the drawings for the substation and inverters appear to be metal cased; lack of detail submitted with the application; concern about drainage / run off; construction site will become contaminated land; no benefit to the local area and no employment, no locally sourced materials, little financial benefit to the UK as all materials to be sourced from China;

Updated Comments dated 17-03-2014

Unanimously reject this application. We consider that aspects of the planning statement are incorrect or incomplete. Consideration has not been given to the recommendations of MPs and Parliament in respect of the siting of large scale solar farms; That this is a Grade 2 site; That there is no economic or social benefit to the local area and no possibility of employment; That the public consultation to date has been inadequate, that future meetings will only be considered on the developers terms; That the application fails to meet Breckland's Local Plan scoping report 2013.

ENVIRONMENT AGENCY

No objection.

ENGLISH HERITAGE

No objection subject to conditions re: additional landscaping

NATURAL ENGLAND

No objection

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions re: upgrading of access, provision of gates and visibility splay and requirement for on-site wheel cleaning facilities.

TREE & COUNTRYSIDE CONSULTANT

Conditions recommended relating to protection of protected species.

CONTAMINATED LAND OFFICER

No objection.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions re: noise

HISTORIC ENVIRONMENT OFFICER

No objection subject to conditions re: archeological investigation

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PUBLIC RIGHTS OF WAY OFFICER

No objection on Public Rights of Way grounds

NORFOLK WILDLIFE TRUST

Mitigation measures must ensure that there will not be any adverse impact on protected species that may occur in the ponds within and adjacent to the development site. A detailed conservation management plan should be submitted to the planning authority for approval before any work starts on site.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

Recommends that the application can be permitted with conditions relating to the agreement of a Biodiversity Management Plan and protection of Great Crested Newts.

NATIONAL GRID - No Comments Received

REPRESENTATIONS

A large number of responses have been received with concerns relating to the development. A total of 180 letters of objection have been received in response to the application with concerns relating to:-

- * Loss of good agricultural land
- * Would lead to contamination of green land / chemicals on soil
- * Impact on the character and appearance for the area/visual impact
- * Highway safety
- * Impact on house/property value
- * Lack of pre-consultation
- * Solar farms not efficient source of electricity
- * Would lead to introduction of brown field/industrial land
- * No connection method/route proposed
- * Informal footpath crosses the site east to west
- * Solar panels should be on roofs
- * Impact on historic views
- * Noise level impact on humans / wildlife / horses
- * Would set precedent
- * No employment benefit
- * Visual impact of security cameras / fencing / transmission mast / substation
- * Inappropriate site
- * Out of scale
- * Healthy trees have been felled-why?
- * Impact on communities
- * Commercial / industrial use of land should be on brown filed land
- * Inaccuracies in application
- * Loss of amenity
- * Drainage / run off would cause flooding
- * Attract criminals-theft of copper cable
- * Glare from panels
- * Too close to properties

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* Impact on tourism

One letter of support has been received in response to the application

- * Does not constitute massive impact on food production
- * Appropriate site / relatively small
- * Good long terms benefits
- * Some sacrifice has to be made for green energy

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 and the impact on food supply.

ASSESSMENT NOTES

* The application is referred to Planning Committee as it is a major application and in the light of local concerns.

Principle of Development

* Consistent with the Climate Change Act 2008 the National Planning Policy Framework (NPPF) sets a presumption in favour of sustainable development. Section 10 of the NPPF provides the Governments policy position in regard to the consideration of renewable energy proposals, which are set out in paragraphs 93-98. Paragraph 93 sets out the following specifically in regards to climate change and renewable energy:

"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."

* Paragraph 97 requires local authorities to have a positive strategy to promote energy from renewable resources. It states:

"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. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- Support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers."

* Paragraph 98 advises that "when determining planning applications, local planning authorities should:

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-Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

-Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."

*The Planning practice guidance for renewable and low carbon energy (July 2013) provides further advice on the planning issues associated with the development of renewable energy. In relation to solar farms the guidance states that the deployment of large-scale solar farms can have a negative impact on the environment, but if planned sensitively the visual impact for a well-screened solar farm can be properly addressed within the landscape.

* The Department of Energy and Climate Change (DECC) recently updated its Solar PV Roadmap, which sets out how government will achieve certainty for solar PV investors, developers, households and businesses. DECC recognises that solar PV is one of the priority renewable energy technologies which will assist in meeting renewable energy targets and help deliver secure, cleaner energy. However, the Roadmap makes it clear that new solar installations need to be sensitively placed and sets out four guiding principles, which form the basis of the Government's strategy for solar PV. This includes the principle that:

"Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them."

* 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, local amenity as a result of outlook through unacceptable visual intrusion, and highway safety.

* An update by Gregory Parker MP (22 April 2014) on the government's solar PV strategy assures strong support for solar PV and, although keen for the focus of growth of solar PV in the UK to be on roof space and previously developed land, makes it clear that there is still a place for larger scale field based solar in the energy mix provided that the new solar installation would be sensitively placed.

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 and man-made features within the landscape including a consideration of individual groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features.

* The release of land in Breckland will have regard to the Council's Landscape Character Assessment (LCA) to ensure land is released where appropriate, in areas where the impact on the landscape is at a minimum. Development should also be designed to be sympathetic to landscape character and informed by the LCA.

* The site is designated within the LCA as Little Ouse Settled Tributary Farmland where the landform is gently undulating. Views are generally contained by landform variation and by field boundary vegetation. The scale of the landscape within the character area is variable, influenced both by land use and field boundary pattern. The overall character area has a fairly interrupted

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visual quality.

* It is evident that views from the north / east of the site would be somewhat screened by established hedgerows, mature deciduous trees and rows of poplar, however more open views of the panels would be visible between the existing landscaping to the east and when directly passing the site to the north. However, from the south / south east of the site and from properties located on Blo Norton Road and Clay Hall Lane views are available where boundaries are sparsely landscaped.

* The development incorporates landscape proposals to provide hedging / screening around the boundary fencing. Albeit not having an immediate effect this would, in time, screen the proposed development in locations where more open views currently exist. It is considered that this would mitigate the adverse visual impact of the proposed development. Mitigation planting in the form of native trees and hedging would be secured via planning condition on the decision notice.

Loss of Grade 2 agricultural land

* The NPPF also seeks to support a prosperous rural economy. Paragraph 28 states that "to promote a strong rural economy, local and neighbourhood plans should: promote the development and diversification of agricultural and other land based rural businesses."

* The proposal relates to the development of grade 2 agricultural land. However, it does not involve the irreversible or permanent development of agricultural land, similar to a paddock for example. Such development is normally permitted within the district. Also, the land would be used as wildlife grassland, which is an enhancement from a biodiversity point of view. Moreover, the site would continue to be capable of being used for agricultural purposes, if necessary, as it could be grazed by sheep.

Amenity

* Although the application site lies between the villages of Garboldisham and South Lopham it is considered that the distance / degree of separation and intervening features, e.g. vegetation, is such that views would not be significantly compromised from these locations.

* The colour of the inverter / transformer cabins and materials of the substation building would be secured via planning condition to ensure the impact on visual amenity and landscape would be minimal.

* There are residential properties to the south within the vicinity of the proposed solar farm which, albeit at a distance of at least 350m, directly overlook the application site.

* It is considered that the landscaping mitigation would satisfactorily address any harm that would be caused on amenity in terms of outlook.

* No lighting is proposed as part of the application. A condition would be attached to any decision notice to ensure no external lighting shall be erected or installed on the site without prior approval of the Local Planning Authority.

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 would 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 (HA) has no objection to the proposed development provided conditions are attached to the decision notice in relation to the construction work of the proposed solar farm.

They have also confirmed there would be no concern in respect of highway safety from glare / reflection of the proposed panels as these would be facing south away from the A1066.

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Archaeology

* The proposed development site is located within a landscape in which there is potential that previously unrecorded heritage assets with archaeological interest would be affected by the proposal. The Norfolk Historic Environment Service has asked that if planning permission is granted that this be subject to a programme of archaeological work in accordance with the NPPF. This would be secured via planning condition.

Ecology

* In terms of impact of the proposed development on the natural environment Natural England (NE) has raised no objection in relation to statutory nature conservation sites as they consider that the proposed development is unlikely to affect any statutory protected sites or landscapes.

* NE has not assessed the application for impacts on protected species, however an ecological assessment submitted with the application has been considered by the Norfolk Wildlife Trust (NWT) and in agreement with the Council's Tree and Countryside Officer, NWT consider that the ecological survey broadly fulfils the requirements of a survey. It states that it was not possible to survey ponds that were outside of the development boundary and it appears that ponds within or immediately adjacent to the development were assessed using the Habitat Suitability Index and not actually surveyed for amphibians. As a result, the survey comes to the conclusion that there is a high potential for adverse impacts on great-crested newts as a result of the proposed development; although it goes on to say mitigation can prevent such impacts.

* It is considered that avoidance techniques measures secured via planning condition would ensure no adverse impact on protected species, including great crested newts. A Biodiversity Management Plan would also be secured via planning condition.

* Details in respect of proposed fencing would be secured via planning condition to ensure that standard deer fencing would be used which is porous to smaller mammals and visually less intrusive.

Heritage assets

* English Heritage has considered the proposed development and its impact on historic assets. They are content for the Council to determine the application without further reference to English Heritage provided their suggested mitigation measures, in the form of planting / landscaping are secured via planning conditions to the decision notice. This would ensure any adverse impact on designated heritage assets would be limited.

Public rights of way

* A number of public rights of way exist in the vicinity of the proposed solar farm: to the east at a distance of approximately 350m; to the south at approximately 650m; and to the west approximately 850m. Mitigation as proposed is considered to address any concerns in respect of impact on the users of these rights of way. The Public Right of Way Officer has no objection to the proposed solar farm.

Environmental Health

* The Council's Environmental Health Officer has considered the application and recommends approval subject to conditions to ensure no detrimental harm is caused by way of noise.

Conclusion

* A large amount of opposition has been received in response to the proposed solar farm and in a written ministerial statement (9th April 2014) by Eric Pickles on local planning and renewable energy projects it is made clear that the planning concerns of the local communities must be taken into account. The matters raised have been carefully measured and balanced against

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planning issues, and although undoubtedly there would be some impact visually it is considered that through landscaping / screening any adverse impact would be limited.

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

* The proposal would lead to the temporary loss of high quality agricultural land. It is considered that this is outweighed by the environmental benefits of the scheme; namely, the provision of renewable energy facilities. The proposal would not lead to the permanent loss of such land because it could still potentially be used for the grazing of livestock. Alternatively, the panels could be readily removed, if necessary, and the land returned to arable use.

* The proposed development would contribute to the need for renewable energy and it is considered that mitigation measures would ensure no adverse harm.

* In conclusion it is considered that the proposed development represents an appropriate and sustainable form of development in this location will not significantly affect the landscape character of the area of indeed local amenity and hence is acceptable in planning terms. The application is, therefore, recommended for approval subject to conditions relating to landscape mitigation planting / screening, a biodiversity management plan, highways, lighting, noise, archaeology, and heritage asset mitigation.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted
- 3920** Temporary permission 25 years
- 3920** Environmental Health - noise
- 3920** Environmental Health - noise
- 3920** Environmental Health - construction
- HA10** Existing access - widened or improved
- HA13** Access gates - configuration
- HA20** Provision of visibility splays - conditioned
- HA25** Provision of parking - achievable
- HA30** Wheel washing facilities- temporary for construction vehicle
- A**
- HA30** Wheel washing facilities- temporary for construction vehicle
- B**
- AR03** Archaeological condition
- 3920** Biodiversity management plan
- 3408** Landscaping - details and implementation
- MT03** Substation house
- 3920** Inverter cabins
- 3920** Solar panels secured through piles
- 3920** Existing trees / hedges retained
- 3920** No lighting
- 3920** Piling prior to nesting birds

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- 3414** Fencing protection for existing trees
- 3405** Fencing - details and implementation
- AN61** NOTE NCC Inf 2 When Vehicular access works required

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ITEM	3	RECOMMENDATION : APPROVAL
REF NO:	3PL/2014/0235/F	CASE OFFICER: Jayne Owen
LOCATION:	GARVESTONE Jasmine Cottage Dereham Road	APPN TYPE: Full POLICY: In Settlemnt Bndry ALLOCATION: No Allocation CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr P Freeman Richmond Lodge Norwich Road	
AGENT:	Peter Codling Architects Ltd 7 The Old Church St Matthews Road	
PROPOSAL:	Erection of new dwelling & garage & garage to existing cottage, revised access arrangements	

KEY ISSUES

Principle of development
Design and appearance
Trees and Landscaping
Amenity
Highways
Contaminated Land

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the erection of a new dwelling and garage on land within the curtilage of an existing detached two storey cottage known as Jasmine Cottage. Proposed materials comprise red facing brickwork and painted render with black pantiles for the roof. Three car parking spaces are to be provided to Jasmine Cottage and the proposed dwelling. With regard to drainage, it is proposed to share an existing shared treatment plant which discharges to a piped ditch.

Planning permission was previously refused for a similar scheme on this site, however this revised proposal amends the scheme as follows; the parking and turning area accessed from Dereham Road would now serve the new dwelling and the access, parking and turning area for Jasmine Cottage would be from a re-positioned access onto Reymerston Road, moving it further away from the junction with Dereham Road; additional planting is proposed between the proposed western boundary fencing and the visibility splay; and the proposed garage serving the new dwelling is moved away from the boundary to ensure that there would be no encroachment onto the boundary of Jasmine Cottage and to facilitate maintenance of the building.

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SITE AND LOCATION

The application site lies within the Settlement Boundary of the village of Garvestone and currently comprises part of the residential garden land associated with Jasmine Cottage.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2013/0987/F Erection of two dwellings and garages, creation of new vehicular access (revised application) Refused

3PL/2011/0416/F Demolition of existing lean-to and porch and erection of two storey extension 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

DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.11	Open Space
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework paragraphs 12, 17, 47, 49, 56-66

CIL / OBLIGATIONS

In relation to open space, the Council has identified a shortfall of outdoor sports provision and childrens play space across the district. The evidence for this shortfall is found in the Councils Open Space assessment. Therefore, to remedy the identified shortfall, the Council seeks Unilateral Undertakings to provide contributions towards open space improvements under the provisions of adopted Policy DC11 where developments would not meet the threshold for on-site provision. In light of the evidenced shortfall of open space, the Council considers that these contributions are demonstrably improving open space provision in areas of evidenced shortfall and therefore comply with Regulation 122 of the CIL Regulations.

CONSULTATIONS

GARVESTONE P C -

The Parish Council object on the following grounds:

Overdevelopment; High density housing out of character, loss of visual amenity for neighbours;

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site is in prominent position in the village and development would severely detract visually from the rural character of the area; gardens for new dwelling and Jasmine Cottage too small; drainage system in area would be unable to cope; traffic and parking issues on the Reymerston Road/Dereham Road junction; insufficient parking provision; proposed new access is close to the junction which has low visibility.

CONTAMINATED LAND OFFICER

No objections subject to condition in relation to unexpected contamination being found.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions.

ENVIRONMENTAL HEALTH OFFICERS

No objection subject to conditions

REPRESENTATIONS

14 letters of objection have been received raising the following issues:

Drainage; adequacy of existing treatment plant for two separate properties; highway safety; overdevelopment; privacy; inconvenience of parked cars on the road; poor visibility; noise and other impacts (dust) during construction phase and from increased vehicular movements; impact on property values; inconvenience/highway safety during construction phase; previous conduct of builders when creating unauthorised access in relation to site safety/health and safety; proximity of garages to boundary resulting in car lights shining into bedroom windows from vehicles arriving at/leaving the new dwelling; development will impact on enjoyment of rear garden; removal of boundary hedge would adversely affect nature and conservation in the area; request condition that boundary is maintained and a solid fence is provided before construction commences; overlooking; inappropriate style of development design and layout is of poor quality; development will urbanise the character of the area, as will the addition of another access which introduces further suburbanisation and a hard edge to what is at present a soft rural outlook; lack of amenity/garden; there may be asbestos in building proposed to be demolished asbestos survey should be carried out prior to any demolition works; loss of garden space and associated amenity value of such; precedent for further development of the site owing to siting of proposed dwelling.

ASSESSMENT NOTES

* The application is referred to Planning Committee having regard to local concerns regarding overdevelopment and highway safety.

Principle

* The site lies within the Settlement Boundary of the village of Garvestone where in principle new housing development is permitted. Core Strategy Policy DC11 requires that all new residential development to provide a contribution towards outdoor playing space. A signed and completed Unilateral Undertaking forms part of the application.

Design and appearance

* The character of the area is mixed comprising predominantly detached and semi-detached properties set within gardens of varying sizes. The proposed dwelling would be a one and a half storey four bedroomed cottage style dwelling with gabled front and rear projections. It is considered that the dwelling is of an acceptable design and appearance which would be in

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keeping with existing built form in the locality and would have an acceptable impact on the street scene. Adequate parking, turning and amenity areas would be provided for both the new dwelling and Jasmine Cottage. A condition requiring full details of the proposed materials is considered appropriate.

Trees and Landscaping

* The site boundary comprises mixed post and rail fencing and hedging set behind the footpath and verge. The western boundary mainly comprises 1.8 m high close boarded fencing extending to the access and then native hedging. The fence and hedge on this boundary are set back beyond a small highway verge. Two trees are located at the southern end of the plot. Additional planting would be provided between the western boundary of the site and new fencing which would enclose the garden area associated with the new dwelling. The Tree and Countryside Consultant has been consulted and has responded with no comment being made on the proposal. A condition requiring full details of proposed boundary treatments is considered appropriate.

Amenity

* There is one window at first floor level which would face towards Jasmine Cottage. This window would serve a first floor landing area. In addition, there is one roof light which would be set within the roof slope of the eastern elevation. In the light of the above, it is considered that the proposed development would not have a significant detrimental impact with respect to existing levels of residential amenity by way of overlooking, overshadowing, loss of privacy or outlook with respect to nearby dwellings, including Jasmine Cottage. A condition is recommended requiring agreement to the surfacing of the driveway to the new dwelling in order to prevent undue noise and disturbance to the occupants of Jasmine Cottage.

Highways

* Norfolk County Council have raised no objections to the proposals subject to conditions in relation to the new vehicular access from the Dereham Road; that the unauthorised access to the south-east of Jasmine Cottage is permanently closed concurrently with the bringing into use of the new access onto Dereham Road including a boundary treatment to be reinstated across the unauthorised access in accordance with a detailed scheme to be agreed with the Local Planning Authority; that no gates, bollard, chain or other means of obstruction shall be erected across the approved access onto Dereham Road unless details have first been submitted to and approved in writing by the Local Planning Authority; visibility splays provided at the new access are to be in full accordance with the approved plans and maintained free from any obstruction exceeding 0.6 m above the level of the adjacent highway carriageway and the proposed on-site car parking/turning area for the new dwelling and Jasmine Cottage is laid out in accordance with the approved plan and retained and that surface water drainage does not discharge from or onto the highway carriageway.

Contaminated Land

* The Councils Contaminated Land Officer has been consulted and has raised no objections subject to a condition in relation to unexpected contamination being found.

* Other Matters

The Councils Environmental Health Officer raised no objections notwithstanding evidence of historic problems with surface water drainage. Approval is only recommended however subject to conditions to alleviate environmental concerns, namely that prior to the commencement of any

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development schemes for the provision, implementation, ownership and maintenance of foul and surface water drainage shall be agreed with the Council prior to the commencement of works.

Conclusion

* The site lies within the Settlement Boundary of the village of Garvestone where in principle development is acceptable.

* The previous proposal for a dwelling on this site was considered unacceptable due to its cramped and incongruous form, detrimental to the character and appearance of the area. Furthermore, the close proximity of the dwelling and its associated car parking spaces introduced a level of activity that would be significantly detrimental to the amenity of the neighbouring property Hawthorn.

* The amended proposal now before you has addressed the above concerns and it is considered that the dwelling is of an acceptable design and appearance having regard to the character and appearance of the area and existing built form. No significant harm will result with respect to neighbouring or local amenity and no significant objections have been raised by the Tree and Countryside Consultant, Norfolk County Council Highways or the Contaminated Land Officer, subject to conditions.

* Approval is recommended subject to conditions. A signed and completed Unilateral Undertaking with respect to the required contribution towards outdoor playing space has been received.

RECOMMENDATION

Planning Permission

CONDITIONS

- 3007** Full Permission Time Limit (3 years)
- 3048** In accordance with submitted
- MT03** External wall and roof materials to be agreed
- 3920** Highways
- 3946** Contaminated Land - Unexpected Contamination
- 3402** Boundary screening to be agreed
- 3920** EHO Condition
- 3920** EHO Condition
- 3920** Surfacing of drive
- 3920** EHO Note
- 9850** Highways Note
- 3996** Note - Discharge of Conditions
- 4000** Variation of approved plans
- 2000** NOTE: Application Approved Without Amendment

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- 3995** NOTE - Unilateral undertakings
- 2014** Criterion E - Planning Apps Where Approved

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ITEM	4	RECOMMENDATION : APPROVAL
REF NO:	3PL/2014/0328/O	CASE OFFICER: Jayne Owen
LOCATION:	MILEHAM SPK Engineering The Old Sawmills Back Lane	APPN TYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: CONS AREA: N TPO: N LB GRADE: N
APPLICANT:	Mr S Knowles SPK Engineering The Old Sawmills	
AGENT:	JWM Design 23 Litcham Road Mileham	
PROPOSAL:	Erection of 11 no. dwellings	

KEY ISSUES

Principle of development
Design
Amenity
Trees and Landscape
Highways
Contaminated Land

DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission with all matters reserved to establish the principle of constructing 11 dwellings on brownfield land at Back Lane. An indicative layout shows a proposed mix of single and two storey detached and semi-detached dwellings. The scheme proposes an affordable housing contribution of one dwelling. The site is accessed via Back Lane. Materials and hard and soft landscaping proposals are reserved for future consideration.

The application is accompanied by an Indicative Layout, Design and Access Statement, Planning Policy Statement, Contamination Desk Study and a Pre Planning Assessment Report, prepared by Anglian Water and Viability Appraisal.

SITE AND LOCATION

The site lies 80 metres outside the Settlement Boundary of the village of Mileham and comprises 0.4 hectares. It is situated to the north west of the village and is currently used for a light engineering business specialising in the manufacture of industrial components. The majority of the site comprises a concrete slab for parking and HGV loading and unloading. The site is bordered to the north by Back Lane, to the west by open land beyond which lies Tittleshall Road

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and to the South by open countryside beyond which is existing residential development. There is one existing residential dwelling immediately to the east of the site.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2013/0106/O Erection of 14 dwellings Withdrawn

3PL/2005/0936/O Residential development Refused

3PL/2003/1597/CU Change of use from B2 to B8 Storage and distribution of telegraph poles (retrospective) 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.09	Pollution and Waste
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.04	Affordable Housing Principles
DC.05	Affordable Housing on Exception Sites
DC.11	Open Space
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework paragraphs 12, 17, 47, 49, 56-66

CIL / OBLIGATIONS

Affordable housing provision is secured through S106 to meet local affordable housing needs. The Council seeks to enter into Planning Obligations to provide necessary local infrastructure requirement on development sites. This could include, where necessary, for development to deliver site specific open space, connection to utility services (as required by legislation), habitat

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protection/mitigation, transport improvements and archaeology. In relation to open space, the Council has identified a shortfall of outdoor sports provision and childrens play space across the district. The evidence for this shortfall is found in the Councils Open Space assessment. Therefore, to remedy the identified shortfall, the Council seeks Unilateral Undertakings to provide contributions towards open space improvements under the provisions of adopted Policy DC11 where developments would not meet the threshold for on-site provision. In light of the evidenced shortfall of open space, the Council considers that these contributions are demonstrably improving open space provision in areas of evidenced shortfall and therefore comply with Regulation 122 of the CIL Regulations.

CONSULTATIONS

MILEHAM P C - No Comments Received

NORFOLK COUNTY COUNCIL HIGHWAYS

No objections subject to conditions

ENVIRONMENT AGENCY

No objections subject to conditions

RAMBLERS ASSOCIATION: NORFOLK AREA

No comment

NATURAL ENGLAND

The application is in close proximity to the River Nar and the Horse Wood, Mileham Sites of Special Scientific Interest (SSSIs). Statutory nature conservation sites - No objection.

Natural England is satisfied that the proposed development would not damage or destroy the special interest features of these sites and therefore do not represent a constraint in determining the application.

PUBLIC RIGHTS OF WAY OFFICER

No objection on public rights of way issues

ENVIRONMENTAL PLANNING

The Council cannot currently identify a five year housing land supply as required under paragraph 47 of the NPPF. Paragraph 49 is also of relevance and states that the Councils policies for the supply of housing should not be considered up to date. This means decisions need to be taken in accordance with the presumption in favour of sustainable development in accordance with Paragraph 14 of the NPPF. Sites should be deliverable (and therefore included within the five years supply), available now, offer a suitable location for development now and be achievable. These points are considered further within the assessment section of this report.

HOUSING ENABLING OFFICER

Mileham has an identified need for affordable housing and any provision would be a welcome addition to the stock of the village. If the principle of development is established for the site then we would expect 40% of the dwellings to be provided as affordable. Policy DC4 indicates that 4 no dwellings should be provided as affordable, however the application only provides 1 no. due to the financial viability of the scheme. We would expect the financial viability to be independently assessed to establish exactly what is viable on the site. There are concerns that this is only an

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outline application and at the point of a detailed application the viability of the scheme may have changed and may be able to provide further units. If approved we would expect to see a clawback provision within the legal agreement to ensure that any improvement in the financial viability is taken into consideration.

CONTAMINATED LAND OFFICER

No objections subject to conditions

AIR QUALITY OFFICER

No objections on grounds of Local Air Quality Management.

ANGLIAN WATER SERVICE

No objections

NORFOLK RIVERS INTERNAL DRAINAGE BOARD - No Comments Received

REPRESENTATIONS

Two letters of objection have been received raising the following concerns:

Adequacy of infrastructure to support the development; density; precedent; impact on local character; highways impacts; precedent; lack of social housing

Four letters in support have been raised raising the following issues:

Loss of an eyesore; removal of large lorries from the lanes; additional support or local services and school; benefit to all of the new footpath.

ASSESSMENT NOTES

* The application is referred to the Planning Committee as it is a major application and represents a departure from policy by virtue of representing development outside of a Settlement Boundary.

Principle

* The site is located outside the settlement boundary in an area of open countryside (as defined by policies SS1, DC2, CP1, and CP14 of the Core Strategy and Development Control Policies Development Plan Document 2009), the application is clearly contrary to these policies. Furthermore, the site is not being put forward for 100% affordable housing under the rural exceptions policy DC5. The proposal should therefore be refused unless there are material considerations that dictate otherwise. The lack of a 5-year housing supply carries significant weight in the consideration of the application.

* Paragraphs 47 and 49 of the National Planning Policy Framework (NPPF) state that where an Authority does not have an up to date five year housing land supply (at present the District figure is 2.8 years), the relevant local policies for the supply of housing as referred to above should not be considered up-to-date and that housing applications should be considered in the context of the presumption in favour of sustainable development.

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* The Government defines sustainable development as having three dimensions. These dimensions give rise to the need for the planning system to perform a number of roles:

- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places
- social, by supporting, strong vibrant and healthy communities by providing the supply of housing required to meet future need in a high quality environment with accessible local services and
- environmental, through the protection and enhancement of the natural, built and historic environment.

* Paragraph 8 of the NPPF stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three dimensions is required.

* Environmentally, the site currently contains a large, high portal frame structure with corrugated cladding to walls and roof which is in a poor state of repair together with a concrete slab for parking (also in poor condition) and HGV loading and unloading.

* The current use also involves the movement of large HGV vehicles through the rural lanes surrounding the site to the detriment of highway verges and to local amenity. Comments received from local residents would indicate strong support for the removal of the commercial/industrial use from the site.

* The redevelopment of this site for housing would therefore make a positive contribution to improving the environment in this location. It also makes effective use of previously developed (Brownfield) land, something that Para. 111 of the NPPF encourages. Furthermore, the NPPG states that

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples quality of life. The proposed development of this site accords with this guidance.

* In terms of the economic and social criteria, the site is currently in employment use and occupied by an engineering works. The redevelopment of this site would therefore facilitate the relocation of the business to more suitable premises to allow for expansion. Ultimately there would be a positive contribution in this regard. Para. 55 of the NPPF suggests that housing should be located where it will enhance or maintain the vitality of rural communities. This proposal would help to support existing facilities within the village (e.g. the local shop and primary school) as well as helping to sustain facilities in the surrounding larger settlements.

* Footnote 11 of the NPPF confirms that the site should be in a suitable location, available now, and have a realistic prospect of being developed within five years. Mileham is classified as a rural settlement through Policy SS1 (Spatial Strategy) of the adopted Core Strategy and Development Control Policies Development Plan Document. The spatial strategy states that these villages are not capable of supporting consequential growth as they rely on higher order settlements for the majority of these services and facilities. However, Mileham does contain a primary school and a village shop/Post Office (approx 350m to south-east) which this development would help to support. The village of Litcham is the nearest service centre village which is located approximately 2.5 km to the west, again this development could help to support it.

* In terms of availability and deliverability, the site is currently occupied by an engineering works, however the redevelopment of the site would allow the engineering works to move to a more appropriate location. If members were minded to approve this application, then the submission of a detailed scheme could be required by condition to be within 18 months and implementation within 3 years in total. This would allow time for the business to relocate, and for the housing to come forward within the next 5 years.

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* Core Strategy Policy DC4 (Affordable Housing Principles) is of relevance to this application. Core Strategy Policy DC4 requires 40% affordable housing provision on sites of five or more dwellings. This would require 5 dwellings on the site to be affordable. The scheme proposes only one affordable dwelling contrary to the requirements of this policy. However, a viability appraisal has been submitted with the application which has been assessed by the District Valuer.

* The District Valuer is of the opinion that the proposed scheme is not viable with the required levels of contribution. It is therefore recommended that the proposal submitted by the applicant which proposes one affordable unit and the recreational contribution is favourably considered. However, the scheme has been assessed in the current market and it is also recommended that if the scheme is not delivered within an agreed timescale that an automatic viability review be triggered, this would be achieved through the S106 Obligation.

* Core Strategy Policy DC11 (Open Space) requires all new residential development to provide a contribution towards outdoor playing space. This would be secured by way of a Section 106 Obligation.

* In summary, it is considered that the site is in a suitable location for development, and that the positive attributes of the redevelopment of this site for housing from an economic, social and environmental perspective result in a sustainable form of development. Taking into account the developments contribution towards the meeting the 5-year land supply of housing, the requirements of the NPPF and the presumption in favour of sustainable development outweigh other material considerations that count against the scheme, the principle of the development of the site can be supported.

Siting, design, appearance and landscaping

* The current main building is a large high open portal frame structure with corrugated cladding to walls and roof. It is in a poor state of repair. Details in terms of the siting, design, external appearance together with precise details of the type and colour of materials and the landscaping of the site would be reserved matters should outline planning permission be granted.

Impact on Amenity

* There is one immediately adjacent dwelling located to the east of the site. Impact on existing residential amenity with respect to this dwelling by way of overlooking, overshadowing, loss of privacy or outlook and with respect to the dwellings within the site itself would be assessed at the Reserved Matters stage. However, the submitted indicative site layout satisfactorily demonstrates that 11 dwellings may be accommodated on the site in such a way as to satisfactorily preserve existing residential amenity.

Highways

* Two access points are proposed from Back Lane. It is proposed that a new 1.5 m wide footpath is provided on the south side of Back Lane to extend east to the wider part of Back Lane in front of 1-6 Burghwood Close; at this point it is proposed to have line marking to the road surface in front of Nos 1-6 to delineate extension of the footpath. A further section of 1.5 m wide footpath is to be provided over the grass verge along the northern fence line of 7 Burghwood Drive to provide a positive link with the footpath to Burghwood Drive. The extended footpath is intended to provide safe pedestrian access from the site to the village and would be constructed to Norfolk County Council Highways standards.

* Norfolk County Council Highways raise no objections to the proposals subject to suitable conditions to secure visibility splays and access, parking and turning areas in accordance with

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adopted standards.

Contaminated Land

* The Contaminated Land Officer has been consulted and has raised no objections subject to conditions requiring a desk study/site investigation and in relation to unexpected contamination being found.

Other Matters

* The Environment Agency have raised no objections to the proposal subject to conditions to address contamination and foul and surface water provision.

Conclusion

* Notwithstanding that the site lies outside the Settlement Boundary of the village of Mileham, it is only 80m west of it. The scheme is considered to represent sustainable development having regard to Breckland Councils lack of five year housing supply and having regard to Paragraphs 14, 47 and 49 of the National Planning Policy Framework. In particular, the site is brownfield and would facilitate the relocation of the business to more suitable premises to allow for expansion and would furthermore remove the movement of large HGV vehicles through the rural lanes surrounding the site. It would also help overcome amenity concerns relating to complaints received regarding the site's operation. The proposal also results in highways improvements, namely adding a footway from the site eastwards, linking with Burghwood Drive which itself has a direct footway to the village (Litcham Road). No objections have been raised by Norfolk County Council Highways, the Contaminated Land Officer or the Environment Agency subject to condition. The development would be unlikely to significantly affect local amenity subject to the details to be provided at the Reserved Matters stage.

* Approval is recommended subject to conditions and a Section 106 Obligation to secure affordable housing and recreational contributions.

RECOMMENDATION

Outline Planning Permission

CONDITIONS

TL06 Outline permission -time limit

A

TL06 Outline - time limits for implementation

B

3920 Landscaping

3920 Highways

3920 Highways

3920 Contamination

3920 Contamination

3920 EA Condition

3920 EA Condition

3920 EA Condition

3920 EA Condition

3944 Contaminated Land - Desk Study/Site Investigation

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- 3920** Provision of on site renewable energy generation
- 3920** Highways Note
- DE08** Slab level to be arranged
- 3923** Contaminated Land - Informative (Extensions)
- 4000** Variation of approved plans
- 3996** Note - Discharge of Conditions
- 2000** NOTE: Application Approved Without Amendment
- 9850** Section 106 Note
- 2014** Criterion E - Planning Apps Where Approved