

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2018/1089/O	CASE OFFICER Mark Simmonds
LOCATION:	ASHILL Dunnetts Close Ashill	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mr Chris Howell Green Farm Ashill	
AGENT:	Parker Planning Services Ltd Orchard House Hall Lane	
PROPOSAL:	outline application for 8 no. dwellings on land north of Dunnetts Close. All matters are reserved except for access.	

REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee as the recommendation is contrary to Policy.

KEY ISSUES

Principle
Impact on character and appearance of the area
Amenity impact
Highway safety
Impact on trees
Ecological Implications
Other issues

DESCRIPTION OF DEVELOPMENT

The application seeks outline approval will all matters reserved except for access, for residential development on land north of Dunnetts Close for 8 dwellings.

SITE AND LOCATION

The site is currently a section of a larger grassed field and measures 0.49 hectares and is located to the north-east of the village of Ashill. The site currently comprises what can be described as arable land and is bound on its southern limit by a highway and on its western limit by residential development. There is further open farmland to the north and east of the site. Access would be created off Dunnetts Close.

EIA REQUIRED

No

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 and National Planning Policy Guidance have also been taken into account, where appropriate

CP.01	Housing
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.12	Trees and Landscape
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

ASHILL PARISH COUNCIL

Ashill Parish Council object to this application on grounds of Highway problems. The access to the site is through the already congested Dunnetts Close/Common Road having just had the additional traffic from 28 new dwellings. The roadway is used by very large farm vehicles and these are already having to use the verge to get round parked cars so the addition of a further 8 dwellings is going to make this a very dangerous area. If this application is granted the Parish Council would like to see a contribution to the Parish to widen the roadway through Dunnetts Close to allow safe parking and better access. The Councillors are also concerned that this site was never included for consideration in Local Plan and by the time the Local Plan is adopted, Ashill will have already exceeded the figure that was agreed for development to 2036 if this application is granted.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

The planning application is supported by a Preliminary Ecological Appraisal report (Parker Planning Services;

January 2018) and a water vole survey & great crested newt survey report (Parker Planning Services; July 2018). The reports are fit for purpose. We agree with the report that there is a minor risk that construction activities on site could create suitable refuge opportunities within the site which may subsequently be discovered by great crested newts and place them at risk of disturbance or harm during the construction phase and this may lead to an offence under the wildlife legislation. As such a precautionary approach will be required to ensure that great crested newts cannot access the site during construction. The NPPF requires that planning decisions should enhance the natural environment by providing net gains for nature (paragraph 170). I would suggest that the applicant is required to provide enhancement measures outlined in the reports. Recommend conditions.

TREE AND COUNTRYSIDE CONSULTANT

No objection. Works should be in accordance with the Arboricultural impact assessment and tree protection plan submitted by Ace of Spades.

CONTAMINATED LAND OFFICER

No objections subject to condition:

Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. Reason for condition: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informative note (Extensions) Where remediation of contaminated land is required, the developer is advised to put in place measures to ensure that any future alterations/extensions to the development do not undermine completed remediation works and, if appropriate, that the future alterations/extension include the same scheme of remediation as that included in the original development.

NATIONAL GRID

Don't object in principle.

NORFOLK COUNTY COUNCIL HIGHWAYS

No Comments Received

REPRESENTATIONS

One objection received raising the following points:

- highways issues if volume of traffic increased - large farm vehicles use track
- Sewerage system is totally inadequate and regularly fails.
- field with pond regularly floods
- Concerns with wildlife.

ASSESSMENT NOTES

1.0 Background

1.1 The application is an outline for 8 dwellings, the indicative plans of which have been submitted with the

applications. The arrangement of the dwellings is in a small development with one access road with the dwellings facing each other with a garage for each and driveways providing on site parking.

2.0 Principle

2.1 The application seeks outline consent for residential development with all matters reserved, except access, on land just outside the Ashill Settlement Boundary. For this reason the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document, (2009), which seek to focus new housing within defined Settlement Boundaries.

The proposed site is located just outside of the Settlement Boundary as designated by the adopted Core Strategy and Development Control Policies Development Plan Document (2009). For this reason the proposal conflicts in principle with Policies DC02 and CP14 of the Core Strategy and Development Control Policies Development Plan Document which seeks to focus new housing within defined Settlement Boundaries.

However, paragraph 11 of the NPPF (2019) states that where an authority does not have an up-to-date Development Plan or five year housing land supply, 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.

The Statement of Five Year Housing Land Supply as at 31st March 2018 was confirmed at the Planning Committee on the 30th July 2018. The five year supply is not being currently met, although the council will prioritise work on establishing a five year housing land supply target. The emerging new local plan is currently at examination and when adopted, new policies and allocations will be able to be included within the five year housing land supply, which will ensure the Council is able to meet this. In these cases the NPPF makes provision, in principle, for Local Planning Authorities to positively consider sites that are not within defined Settlement Boundaries. This must be balanced against other policy requirements and aims including securing sustainable development, protecting the countryside, and good design

The application is therefore assessed against the benefits provided in relation to the sustainable development tests as set out in the NPPF.

2.2 The NPPF identifies three dimensions of sustainable development:

- Economic, in terms of building a strong economy and in particular by ensuring that sufficient land is of the right type and is available in the right places.
- Social, by supporting, strong 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.

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

2.4 In terms of the economic and social criteria, the proposal would provide new development and would provide some short-term economic benefits through its construction, and longer-term economic benefits through additional household spend within the surrounding area that would be generated by the provision of the dwellings.

2.5 In terms of the social role, the site lies outside but is closely related to the Ashill Settlement Boundary.

Whilst not a service centre village currently, it is proposed as such in the emerging local plan. Ashill benefits from community facilities such as a public house, a community centre, Ashill Fruit Farm and Food and Wine most of which are within an easy walking distance from the site.

2.6 Ashill also benefits from a regular bus service linking the village to both Watton and Swaffham with the nearest stop adjacent to the site. Whilst it is appreciated that there would be a reliance on the use of a car to access wider day-to-day services i.e Doctors provision and bigger provision needs which does weigh against the proposal, given the size of the site, it is considered that the harm caused to sustainability would be small and there are other sustainable forms of transport readily available for use. The NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

2.7 In light of the above, the proposal is considered to meet the economic and social aims of sustainable development.

3.0 Impact on the character and appearance of the area

3.1 The environmental role of sustainable development seeks to in part, contribute to protecting and enhancing the natural, built and historic environment. Consideration of a development's impact on the character and appearance of the area within which it is situated is, therefore, integral to the environmental dimension of sustainable design, as is its design.

3.2 Policy DC16 requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

3.3 The application has been submitted in outline with all matters reserved, except access, therefore design and layout etc will be fully considered at the reserved matters stage. Notwithstanding this, an indicative layout plan has been provided which indicates that at least eight dwellings can be suitably designed to be accommodated within the site which provides a small development accessed by one road as well as providing a sufficient plot size for future occupants.

4.0 Amenity impact

4.1 Policy DC1 seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants.

4.2 As stated above, the application has been submitted in outline, therefore amenity impact will be fully assessed at the reserved matters stage. An indicative plan has however been submitted which indicates that at least eight dwellings can be accommodated within the site whilst retaining good separation distances from existing dwellings. It also demonstrates that each plot will be afforded a good degree of private rear amenity space, garages and off road parking.

5.0 Highway safety

5.1 Policy CP4 of the Core strategy seeks to ensure that all access and safety concerns are resolved in new developments. Policy DC19 requires sufficient parking for all new development.

5.2 An alteration to the watercourse is proposed to allow for the access, the Lead Local Flood Authority

(LLFA) will require an application and evidence to support an alteration to an Ordinary Watercourse. A culvert will be required beneath the new access so that flows through the ditch.

5.3 Informal discussion with the Highway officer has indicated that the amendments to the scheme to address the access and culvert issues are sufficient in conjunction with the culvert works and any material response from Highways will be presented in a supplemental report. A condition is considered sufficient at this outline stage to ensure that the highway works are agreed in writing prior to any works beginning

6.0 Impact on trees

6.1 Policy DC12 seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development. No objection has been received from the Tree and Countryside officer, however works should be in accordance with the arboricultural impact assessment and tree protection plan submitted by Ace of Spades.

6.2 Accordingly the proposal is considered to have due regard to Policy DC12.

7.0 Ecological implications

7.1 Policy CP10 seeks the enhancement of biodiversity and geodiversity in the district. Proposals need to ensure that the ecological network and protected species are not harmed or detrimentally impacted and mitigation measures are put in place where appropriate.

7.2 The planning application is supported by a Preliminary Ecological Appraisal report (Parker Planning Services; January 2018) and a water vole survey & great crested newt survey report (Parker Planning Services; July 2018). The Ecology officer concludes that they are fit for purpose and agrees with the conclusions that there is a minor risk that construction activities on site could create suitable refuge opportunities within the site which may subsequently be discovered by great crested newts and place them at risk of disturbance or harm during the construction phase and this may lead to an offence under the wildlife legislation. As such a precautionary approach will be required to ensure that great crested newts cannot access the site during construction.

7.3 The NPPF requires that planning decisions should enhance the natural environment by providing net gains for nature (paragraph 170). The enhancements measures suggested in the submitted reports should be required to provide the enhancement measures and conditions are recommend.

7.4 In light of this, the proposal is considered to have due regard to Policy CP10.

8.0 Other issues

8.1 In terms of the drainage, a condition will be attached to any approval given requiring the reserved matters to include details of the foul water drainage. It should be noted that the site does not fall inside a Flood Zone 2 or 3.

8.2 Contaminated land conditions have been attached to the approval, this also includes an advisor note relating to the removal of asbestos.

9.0 Conclusion

9.1 When applying the tilted planning balance, the site is considered to be a sustainable location which can accommodate a level of residential development without having an adverse impact on the character and appearance of the area, the amenity of the existing dwellings near to the site and/or highway safety. It is considered that any ecological implications can be adequately addressed at a later stage as well as the highway access work and culvert issues. The proposal is therefore unlikely to lead to any significant or demonstrable harm to any interests of acknowledged importance and is therefore recommended for approval.

RECOMMENDATION

Grant Planning Permission subject to conditions:

CONDITIONS

- 1 Outline Time Limit (2 years) Early Delivery**

Application for Approval of Reserved Matters must be made not later than the expiration of TWO YEARS beginning with the date of this permission, and the development must be begun within TWO YEARS of the FINAL APPROVAL OF THE RESERVED MATTERS or, in the case of approval at different dates, the FINAL APPROVAL OF THE LAST SUCH MATTER to be approved.

Reason for condition:-
As required by section 92 of the Town & Country Planning Act 1990 and in order to ensure the early delivery of housing.
- 2 Standard Outline Condition**

No development whatsoever shall take place until the plans and descriptions giving details of the reserved matters referred to above shall have been submitted to and approved by the Local Planning Authority and these plans and descriptions shall provide details of the appearance, layout, scale and landscaping of the development.

Reason for condition:-
The details are not included in the current submission.
- 3 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-
To ensure the satisfactory development of the site.
- 4 Parking and Turning plan**

The applicant shall provide an appropriate design at a reserved matters stage to address the following points in accordance with the adopted standards:

 - i) Parking provision in accordance with adopted standard.
 - ii) Turning

Reason for condition:-
In the interests of highway safety.
- 5 New access (over verge/ditch/watercourse/footway)**

Prior to the commencement of the development hereby permitted the vehicular access / crossing over the verge shall be constructed in accordance with the highways specification

TRAD 4 and thereafter retained at the position shown on the approved plan. All details should be approved by the Highway Authority and the Local Lead Flood Authority. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason for condition:-

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.

This condition will require to be discharged

6 Provision of visibility splays - condition/approved plan

Prior to the commencement of the development hereby a scheme for the visibility splays shall be provided and agreed in writing by the Highway Authority. The splays shall thereafter be maintained at all times free from any obstruction as specified by the Highways Authority above the level of the adjacent highway carriageway.

Reason for condition:-

In the interests of highway safety.

This condition will require to be discharged

7 Highway improvements - off-site

Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise first agreed in writing until detailed drawings for the off-site highway improvement works have been submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in this condition shall be completed.

Reason for condition:-

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

8 Ecology

The planning application is supported by a Preliminary Ecological Appraisal report (Parker Planning Services; January 2018) and a water vole survey & great crested newt survey report (Parker Planning Services; July 2018) and the mitigation measures shall be implemented as outlined.

Reason for condition:-

In the interests of bio-diversity in accordance with Policy 15 of the NPPF.

9 Trees and hedges

All works shall accord with the Arboricultural impact assessment and tree protection plan submitted by Ace of Spades dated 15th June 2018.

Reason for condition:-

In the interests of the satisfactory appearance of the development and the protections of trees on site having regard to policy DC12 of the Core Strategy.

This condition will require to be discharged

10 Precise details of surface water disposal

Prior to the commencement of any works above the laying of foundations, precise details of

the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

This condition will require to be discharged

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Precise details of foul water disposal

Prior to the commencement of any works above the laying of foundations, precise details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such approved details shall be used in the development.

Reason for condition:-

The details are required to be submitted prior to the commencement of development to minimise the possibilities of flooding from the outset of the development.

This condition is imposed in accordance with Policies DC 1 and DC 13 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

This condition will require to be discharged

12

Contaminated Land - Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

This condition will require to be discharged