

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2017/1492/F	<b>CASE OFFICER</b>	Laura Craddock
<b>LOCATION:</b>	ASHILL Ashill Precision Engineering Swaffham Road, Ashill	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	John Puddephatt Ashill Precision Engineering Swaffham Road	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Parker Planning Services Ltd Ketteringham Hall Church Road	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Conversion of building to a dwelling and the erection of a new dwelling and garage		
		<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### **REASON FOR COMMITTEE CONSIDERATION**

The application is referred to the Planning Committee as the proposal is contrary to planning policy.

#### **KEY ISSUES**

The key issues are:

- The principle of the development
- Loss of employment use
- Impact on highways
- Impact on trees
- Impact on ecology
- Design
- Amenity
- Contaminated land

#### **DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for the conversion of an existing industrial unit into a dwelling and the erection of a new dwelling. The site was formerly used by Ashill Precision Engineering but has been unused since the company relocated in February 2017. The conversion of the existing building would create a single storey 3no. bedroom property with a lounge, kitchen, dining room, study and an integral garage. A new dwelling is proposed within the western part of the site on what is currently a grassed area. The proposed new dwelling would be single storey and have 3no. bedrooms, a kitchen, lounge, dining room, a study and a separate garage. New native hedgerow is proposed as a boundary treatment. Access to the proposed dwellings would be from the existing access.

#### **SITE AND LOCATION**

The application site is located to the west of the village of Ashill. It is approximately 0.8 miles from the village's centre, 4 miles from the centre of Watton and 5.5 miles from Swaffham.

The site currently consists of a single storey brick building, previously in employment use. The site also has fairly spacious grassed grounds. The Fountain of Life church lies to the west of the site, and fields lie to the south and east of the site and to the north beyond Swaffham Road.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2013/0531/A	Permission	18-07-13
3 x fascia signs		
3PL/2015/0432/O	Permission	08-07-15
Extension to light engineering workshop (B1 use classification)		

**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.03	Employment
CP.04	Infrastructure
CP.09	Pollution and Waste
CP.10	Natural Environment
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
DC.20	Conversion of buildings in the countryside
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

**OBLIGATIONS/CIL**

Not applicable

**CONSULTATIONS**

**ASHILL P C**

Ashill Parish Council has no objections but would like consideration given to making it a condition that a footway is installed on opposite side of road to join up with the recently installed TROD in Swaffham Road.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objections, subject to conditions relating to potential boundary treatments and the provision of an adequate turning area.

**TREE AND COUNTRYSIDE CONSULTANT**

No objections, subject to a condition to ensure works are carried out in accordance with the submitted Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS).

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

The Natural Environment Team note the protected species assessment report (Finnemore Associates; August 2017) submitted with the application.

No objections subject to the following recommendations:

- Vegetation clearance subject to a timing constraint.
- The terrestrial habitat on site is currently suboptimal for great crested newts, the habitat needs to be maintained as suboptimal for this species prior to development commencing.
- Precautionary methods of working.
- The applicant should be required to provide at least one bird box, native hedgerow planting and one Schwegler woodcrete bat box installed according to the Bat Box Information Pack (Bat Conservation Trust; April 2014).

**CONTAMINATED LAND OFFICER**

Our records indicate that the above site is in the vicinity of a potentially backfilled quarry/pit from which there is the potential for gas migration. Conditions are recommended relating to gas protection measures, site investigation/remediation, unexpected contamination and potential for asbestos.

**ENVIRONMENTAL HEALTH OFFICERS**

No Comments Received

**ECONOMIC DEVELOPMENT**

No Comments Received

**Environmental Protection-** No objection subject to a condition regarding the provision of an acoustic fence to the boundary with the church in accordance with appropriate details to be submitted to the LPA prior to occupation.

**REPRESENTATIONS**

The application was advertised in the local press and by site notice. Neighbours were directly notified.

One letter of objection was received from the adjacent Church raising the following main points:

-Church events take place 7 days a week and can draw many visitors/ congregation ( 200- 250 people) also events sometimes utilise Church's outdoor space where noise difficult to control ,proposed new dwelling located close to boundary with church potential noise and disturbance for the potential occupiers of the dwelling

- possible cause some difficulties for the operations of the Fountain of Life Church.

## ASSESSMENT NOTES

1.0 The principle of the development

1.1 The application site lies outside of any defined Settlement Boundary and 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. However, the National Planning Policy Framework (NPPF), states that where an authority does not have an up-to-date five year housing land supply (the authority cannot currently demonstrate this, as set out in a July 2017 Statement), 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.

1.2 The NPPF identifies three objectives of sustainable development:

- 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.

1.3 Paragraph 8 of the NPPF also stresses that these objectives are interdependent and need to be pursued in mutually supportive ways; therefore, a balanced assessment against these three roles is required.

1.4 The NPPF indicates that rural housing should be located where it will enhance or maintain the vitality of rural communities and that isolated houses in the countryside should be avoided. Additionally, the Government's Planning Practice Guidance (NPPG), notes that all settlements can play a role in delivering sustainable development and that blanket policies restricting housing in some rural settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

1.5 In terms of economic and social criteria, the proposal would provide two residential dwellings for market sale, which would make a positive, albeit modest contribution to the housing supply shortfall and would provide some short term benefits to the local economy through its construction. The occupants of the two dwellings would socially and economically contribute to Ashill's facilities, albeit modestly.

1.6 The submitted information is clear that the applicant owns the building and its redevelopment could be delivered. The applicant has indicated that the development could be delivered in the short term.

1.7 The social role of sustainable development seeks to ensure, amongst other matters, the creation of a high quality built environment with accessible local services. The site lies approximately 0.8 miles from the

centre of Ashill village. There are a number of facilities within Ashill, namely a community centre, church primary school and pub/restaurant. The route into the village centre is unlit and the first 0.3 miles has no footpath. Ashill Farm Shop is located to the south of the village, approximately 0.9 miles from the application site. This route is unlit and in places has no footpath. Whilst the distance to these facilities would be covered by cycling and walking, the lack of street lights and footpaths mean this would only realistically be an alternative to the use of the car during the summer months.

1.8 Due to the limited range of facilities and services within Ashill, the services and facilities of other settlements will be required by occupants on a regular basis. Ashill is served by bus services to nearby higher order settlements. Notwithstanding this, it is considered that the proposed development would result in a high reliance upon the private vehicle and the proposed scheme would not represent an accessible form of development. There would be a reliance on higher order settlements for everyday needs. Therefore the proposal is inconsistent with the social dimensions of sustainable development. This consideration weighs against the proposal.

1.9 Whilst the reliance on private vehicles would have environmental implications, on balance, the impact would likely be neutral when considering the commuting that would have been associated with the site's former use.

1.10 Consideration of the environmental impact involves an assessment of the effect the proposal would have upon the natural, built and historic environment. There would be no unacceptable impacts upon trees and ecology arising from the development, as discussed under sections 4.0 and 5.0 of this report respectively. The proposed alterations to the existing property and the proposed addition of a new dwelling would not be harmful to the character or appearance of the area. As infill between two existing properties, the proposed new dwelling would not unacceptably effect openness or be harmful to the landscape of the area.

## 2.0 Loss of employment use

2.1 Policy CP3 on Employment supports the protection and promotion of existing employment sites that have been identified as fit for purpose in the Employment Land Review and are defined as General Employment Areas on the Proposals Map. The application site is not designated as a General Employment Area.

2.2 The applicant has provided information pertaining to the marketing of the site for employment uses following the relocation of Ashill Precision Engineering in February 2017. It is considered that the provided marketing report satisfactorily demonstrates that the premises has been offered for sale as for employment uses without success, illustrating a lack of demand for premises of this size and nature in this location.

2.3 Having regard to policy CP3, the loss of the employment use is acceptable in this instance in the light of the information provided.

## 3.0 Impact on highways

3.1 The Highways Officer advises that on the basis of the nature and number of traffic movements generated by the employment use it would be difficult to substantiate a highway objection to the proposal subject to the imposition of appropriate conditions.

3.2 Accordingly the proposal is considered to accord with policy CP4 that requires that access and safety concerns are resolved within all new developments, and policy DC19 on parking provision standards.

#### 4.0 Impact on trees

4.1 An Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) has been submitted as part of this application. The information submitted sets out that none of the trees on site would be affected by the proposed development; recommendations are provided to ensure this would be the case, including the provision of a fenced area.

4.2 Subject to appropriate conditions that the development is complete accordance with the approved AIA, TPP and AMS there are no objections. Accordingly, it is considered that the proposal is acceptable having regard to policy DC12 Trees and Landscape.

#### 5.0 Impact on ecology

5.1 In terms of ecology issues a Protected Species Report has been submitted as part of the application. No objections to the proposal are raised subject to ecological enhancements in the form of a bat box and 60m of new hedgerow planting which can be appropriately conditioned.

5.2. The Report's findings that there is suitable habitat for breeding birds on site are noted and therefore it is recommend that any vegetation clearance must be carried out outside of the bird breeding season. It was noted that there are adjacent ponds that are used as habitats for Great Crested Newts, and there is connectivity between these ponds and hedgerows. Therefore the suboptimal habitat that forms this connectivity should be maintained. Precautionary methods of working to avoid harm to Great Crested Newts are also recommended.

5.3 Subject to the recommended conditions, the proposal is acceptable having regard to policy CP10 on the Natural Environment.

#### 6.0 Design & Impact on character and appearance of the area

6.1 Policy DC16 seeks to ensure that developments achieve a high standards of design. New development should reflect the local character in terms of style, arrangement, density, height, massing and scale.

6.2 Most buildings within the locality adopt a traditional design approach - pitched roof and brick built. The proposed conversion and new additional dwelling would both reflect this style. Whilst previously in employment use, the existing unit has an appearance more akin to a domestic property. Amendments and elevational changes that are proposed to former employment building include the addition of a chimney, removal of brick porch and replacement with an oak porch in a more central location on the property, blocking up of the existing west elevation door and replacement with a window, insertion of two garage doors at the westernmost end of the property, and the use of render on the westernmost part of the property. In terms of the proposed new dwelling this would have a natural slate roof, with walls of brick and render. The proposed use of render on both the proposed converted and new dwellings would reflect the approach at the adjacent church property. The proposed design and materials of the new dwelling's doors and windows would be contemporary in style; this is not considered inappropriate in this location and would be similar to the approaches at the adjacent church.

6.3 Overall the proposal is considered acceptable having regard to policy DC16.

## 7.0 Amenity

7.1 Policy DC1 set out that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants, or future occupants of the development site.

7.2 Both proposed dwellings ( one conversion and one new dwelling) would have adequate private outdoor amenity space, separated by a fence and new hedgerow planting for future occupiers so as to provide an acceptable standard of provision

7.3 The concerns of the adjacent church regarding noise and disturbance arising from visitors to their services and events are noted. However, it is not unusual for such community uses to be located adjacent to residential uses, nor is it considered that noise arising from such a community use could be qualified as unacceptable disturbance. There would be separation between the church and the proposed dwelling, and within this space is a established leylandii hedge. To ensure that amenity is not harmed, it would be appropriate to seek through a planning condition the provision of an acoustic fence between the proposed dwellings and the church, should the application be approved.

## 8.0 Contaminated land

8.1 The Contaminated Land Officer noted the site's potential to be contaminated and requested a Desk Study and Site Investigation be provided. A Contamination Report Desk Study and Basic Intrusive Investigation (April 2018, Plandescil) was provided that identified some potential for hydrocarbons to present in the fabric of the building. The Contaminated Land Officer also at this noted the potential for ground gas issues.

8.2 Further clarity was provided from the applicant's environmental consultants regarding the above potential issues. The Contaminated Land Officer has confirmed that subject to appropriate conditions regarding ground gas conditions and site investigation, the proposal would be acceptable.

8.3 The proposal is in accordance with policy CP9 on Pollution and Waste.

## 9.0 Conclusion

9.1 The application does not accord with the adopted development plan as the site falls out any settlement boundary. However, the Council does not currently have a 5 year land supply as required by the NPPF and this development would provide a small contribution towards Breckland's Housing supply. On this basis, the other key principle considerations for this proposal must be assessed and are whether the site is a sustainable location for housing and the visual impact on the countryside.

9.2 When applying the tilted balance required by paragraph 14 of the NPPF, the small negative harm created by the site's location away from services and facilities is considered to be outweighed by the positive contribution towards housing in the district .

9.3 In accordance with paragraph 14 of the NPPF, no harm has been identified which would significantly and

demonstrably outweigh the benefits, and therefore, based on the infill nature of the development, approval of planning permission is recommended subject to conditions.

9.4 In terms of the overall planning balance of the scheme whilst there would be a reliance on the car to access services the amount of vehicle movement would not be dissimilar to that associated with the former employment use. There are no other assessed unacceptable impacts and, given the small contribution the development could make to the housing land supply and the vitality of Ashill village, in terms of the overall planning balance the development is considered acceptable.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

- 2 Full Permission Time Limit (2 years)**  
The development must be begun not later than the expiration of TWO YEARS beginning with the date of this permission.  
Reason for condition:  
As required by section 91 of the Town & Country Planning Act 1990 (as amended) and to ensure the deliverability of the scheme to contribute to the five year housing land supply.
- 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 Access gates - restriction**  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification), no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.  
Reason for the condition:  
In the interests of highway safety.  
**This condition will require to be discharged**
- 5 Provision of parking and servicing - when shown on plan**  
Prior to the first occupation of the development hereby permitted the proposed access / on-site car and cycle parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.  
Reason for condition:  
To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 6 Trees/hedges to be retained**  
The existing leylandii hedges on the western boundary of the site shall be retained. Should any die or be removed without the written consent of the Local Planning Authority, they shall be replaced during the next planting season with hedging of a species, size and in the same

location to the satisfaction and written agreement of the Local Planning Authority.

Reason for condition:

In the interests of amenity and the satisfactory appearance of the development.

**7 In accordance with Arboricultural report**

Operations on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) supplied by Plandescil, dated September 2017. No other operations shall commence on site in connection with the development hereby approved until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the TPP. The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development hereby permitted and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

Reason for condition:

To protect the longevity of the trees in accordance with policy DC12 of the Adopted Core Strategy and Development Control Policies Development Control Document 2009.

**8 Bat box**

Prior to the commencement of the occupation of the properties hereby approved, one Schwegler woodcrete bat box shall be installed according to the Bat Box Information Pack (Bat Conservation Trust; April 2014). Details and evidence of this bat box shall be submitted to and agreed in writing by the Local Planning Authority.

Reason for condition:

In the interest of biodiversity and in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Document 2009.

**9 Bird Box**

Prior to the commencement of the occupation of the properties hereby approved, one bird box shall be installed in a suitable location within the site. Details and evidence of this bird box shall be submitted to and agreed in writing by the Local Planning Authority.

Reason for condition:

In the interest of biodiversity and in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Document 2009.

**10 Hedgerow removal**

No removal, in full or in part, of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason for condition:

In the interest of biodiversity and in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Document 2009.

**11 Non-standard condition**

The following working practices will be adhered to during the construction of the development hereby permitted:

- No piles of loose sand or other granular materials into which amphibians or reptiles could

bury themselves should be left around the site. All such materials should be delivered in bags and kept on pallets or hardstanding until required for use;

- Should any waste be generated from the development, this should be placed straight into skips or rubble sacks, or immediately removed and not left lying around the site;

- No bonfires should be made or lit on site;

- All trenches should be left covered at night. They must be checked in the morning before they are filled in;

- The development footprint and any working areas should be maintained in its current condition by regular mowing to ground level at weekly intervals until construction commences.

In addition if any protected species are identified at any stage during the development, work should immediately cease and a suitably qualified ecologist contacted for further advice.

Reason for condition:

In the interest of biodiversity and in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Document 2009.

**12 Ground Gas condition**

The development shall include ground gas protection measures, or a site investigation may be undertaken to provide site specific assessment which would need to be acted on accordingly. The Local Planning Authority shall approve the proposals in either case before works on the site commence. The scheme shall be constructed and completed in accordance with the approved specification at such times as may be specified in the approved scheme.

Reason for condition:

To ensure a safe development.

**This condition will require to be discharged**

**14 Contaminated Land - Site Investigation/Remediation**

Unless otherwise agreed in writing, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved:

**A. Site Investigation**

A site investigation and risk assessment to determine the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**B. Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**C. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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:**

Land contamination risk assessment is a step-by-step process. During the course of the risk assessment process set out in the above condition, it may become clear that no further work is necessary to address land contamination risks. Where this is the case the condition may be discharged by the Council without all the steps specified being completed. In all cases written confirmation should be obtained from the Council confirming that the requirements of the condition have been met.

**This condition will require to be discharged**

**15**

**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**

**18**

**Screen fencing &/or walling to be built**

Before the commencement of work on site, a scheme for the provision of an acoustic fence to the boundary with the adjacent church, shall be submitted to the Local Planning Authority for approval. Such scheme as may be agreed shall be carried out in its entirety prior to the first occupation of the dwellings which the screening adjoins to the satisfaction of the Local Planning Authority.

Reason for condition:

For the protection of the amenity of the occupants of the proposed development.