

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2018/0764/O	CASE OFFICER Lisa ODonovan
LOCATION:	ASHILL Land adjacent to Reeves Farm Hale Road Ashill	APPNTYPE: Outline POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Mrs Lusher Reeves Farm Hale Road	
AGENT:	David A Cutting Building Surve Breckland Business Centre St Withburga Lane	
PROPOSAL:	Residential development	

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 for residential development on land adjacent to Reeves Farm. Although in outline only an indicative drawing indicates a single access from Hale Road.

SITE AND LOCATION

The land is currently is currently a hardstanding area with various farm outbuildings positioned within. There is an existing access which is indicated for use. To the south of the plot lies Reeves Farmhouse, a single storey dwelling and to the north, separated by a row of trees lies Hill House, a two-storey red brick dwelling. Opposite the site lies agricultural land. The settlement boundary for Ashill lies approximately 190m south-east of the site.

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.04	Infrastructure
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.13	Flood Risk
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 P C

Ashill Parish Council has no objection to amended plan but do feel that the reduction to 3 dwellings on the site is underdevelopment and it could sustain the original 5. As requested previously the Parish Council would like to see provision of a footway to join access to the village and the installation of a street light included in conditions.

NORFOLK COUNTY COUNCIL HIGHWAYS

The nearest footway is adjacent to Fairholme Close which is some 200m to the south of the site however applications have been approved which, if implemented, will extend the footway for around an additional

100m to The Willows. This would still leave a section of 100m without footway provision. When the original application for 5 units was submitted I requested that provision for pedestrians, between the site and the existing footway, be explored. However, a high pressure gas main exists within the verge to the west of Hale Road and it has already been determined, elsewhere in the vicinity, that the cost of protecting/diverting this pipe is disproportionate in relation to the development limited number of dwellings. Further, to the eastern side of Hale Road, the limited extent of highway verge would result in a footway being difficult to achieve without unacceptably narrowing the carriageway. Taking into account the extent of other development in the vicinity which does not have access to a footway, the number of dwellings involved and that residents would still be within cycling distance of village amenities, I consider it would be difficult to substantiate an objection based on the lack of footway provision for a development of this scale. The application is submitted in Outline with all matters reserved. On that basis, should you be minded to grant permission details of access, parking, visibility and turning arrangements will need to form part of any reserved matters submission.

CONTAMINATED LAND OFFICER

No objection subject to condition.

TREE AND COUNTRYSIDE CONSULTANT

No objection to the principal, my only concern would be the provision of the footpath. It appears that there may be arboricultural implications which maybe damaging to trees outside the site.

ECOLOGICAL AND BIODIVERSITY CONSULTANT

We support the amendments to the planning application. No works are to be carried out on the stable block. As previously stated, any future planning application that will involve impacts on the stable block needs to be supported by the results of further bat surveys. Precautionary methods of working need to be implemented to avoid impacts on bats and other ecological receptors.

NATIONAL GRID

We do not object to this proposal in principle. Please note the presence of an intermediate pressure gas pipeline that passes across the access point to the land parcel, any alterations to the existing access configuration must be approved by Cadent Gas prior to installation, this is to ensure the continued safety and integrity of the pipeline. Cadent Gas request the developer contact us at plantprotection@cadentgas.com to discuss working safely in the vicinity of gas pipelines. Please make this a condition of any planning approvals granted.

ENVIRONMENTAL HEALTH OFFICERS

There are no objections on the grounds of Environmental Protection, providing the development proceeds in line with the application details. However, I note there is no indication in the application as to how foul water is to be dealt with. If the applicant is not intending to connect the dwellings to the mains sewer, full details of the proposed foul water drainage scheme should be provided to the local planning authority for approval.

REPRESENTATIONS

Site notice erected: 11-07-2018

Consultations issued: 9th and 11th July

Re-consultations issued: 10th September and 19th October 2018

One representation received raising concerns in respect of the high conifer hedging to the side boundary, contamination and drainage issues.

ASSESSMENT NOTES

1.0 Background

1.1 The application initially came in for 5 dwellings on the site, whilst indicative only, this represented a cramped form of development and was subsequently reduced to three road facing dwellings, including the demolition of the existing, redundant building on site to make room for two of the proposed dwellings.

1.2 It became apparent through consultation that a bat survey is required on the building proposed for demolition, which can't be carried out until Spring next year. As such, the application has been amended to refer to 'Residential development' only, indicating the northern most dwelling only as this does not require the demolition of the existing building on site.

1.3 It is proposed to condition any outline approval restricting the development of the site to no more than three dwellings as well as conditioning that the building cannot be demolished without the prior consent of the Local Planning Authority. This enables the applicant to submit a Reserved Matters application at a later stage, including the ecology information.

2.0 Principle

2.1 The application seeks outline consent for residential development with all matters reserved on land 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 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 our 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, 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 one dwelling can be accommodated within the site which provides a road facing development which is prevalent in the area 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 with all matters reserved therefore amenity impact will be fully assessed at the reserved matters stage. An indicative plan has however been submitted which indicates that at least one dwelling can be accommodated within the site whilst retaining good separation distances between existing dwellings whilst retaining the existing form/line of development. It also demonstrates that each plot will be afforded a good degree of private rear amenity space.

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 The proposal, whilst indicative only demonstrates that access can be provided whilst also providing sufficient space within the site for parking and turning. Again, specific details will be agreed at reserved matters stage however there is little concern that the proposal will cause undue harm in highway safety terms.

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. None of the trees within the applicant's ownership are covered by a TPO and the site does not form part of a conservation area.

6.2 The proposal seeks to retain the hedge to the frontage and the footpath element that the Tree and Countryside Officer was initially concerned about has been omitted from the scheme. As such, the proposal is considered to have due regard to Policy DC12, and wider impact on the trees within the site will be able to be assessed once the final design and siting has been submitted at the reserved matters stage.

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 As stated at the start of this report, there is a need to carry out a bat survey on the existing, redundant building within the site. As such, the proposal has been amended to refer to residential development, and indicating the northern most dwelling only at this stage which does not require the demolition of this building. This then enables the surveys to be carried out at the appropriate time of the year (Spring) and will enable this matter to be addressed at the reserved matters stage.

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

8.0 Other issues

8.1 The comments raised in respect of the high hedgerow is dealt with via different legislation, outside of the planning remit, however I am advised by the agent that they have discussed this hedging with the concerned neighbour and agreed a way forward.

8.2 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.

8.3 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. In light of the above, the proposal is recommended for approval.

RECOMMENDATION

Approval.

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, access and landscaping of the development.

Reason for condition:-

The details are not included in the current submission.
- 3 Reserved matters details - Highways**

The reserved matters submission shall include details of: access, parking, visibility and turning arrangements.

Reason for condition:-

To ensure that any residential development does not adversely impact highway safety, having due regard to policies CP4 and DC19 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 4 Reserved matters -foul drainage**

The reserved matters submission shall include full details of the proposed foul water drainage scheme.

Reason for condition:-

In order 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
- 5 Non-standard condition**

The first reserved matters submission shall include a bat survey comprising three nocturnal surveys conducted between May and August with 2 week spacing between each survey, together with any ecological mitigation measures. The demolition and re-development of the existing building will only be permitted where any necessary ecological mitigation can be adequately provided.

Reason for condition:-

To ensure that any residential development does not adversely impact highway safety, having due regard to policies CP4 and DC19 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.
- 6 Number of dwellings only (outline)**

The reserved matters referred to above shall relate to the construction of no more than 3

dwelling(s) only.

Reason for condition:-

To ensure that the development is compatible with the form and character of the surrounding area in accordance with policies DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

7

Res. dev. does not include the conversion of ext building

The residential development hereby approved does not include the conversion of the existing building on site.

Reason for condition:-

For the avoidance of doubt and to ensure a satisfactory development in accordance with policies CP10, DC1 & DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

8

Contaminated Land - Desk Study/Site Investigation

Prior to the commencement of the development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

A. Desk Study

A desk study and risk assessment to determine the risk of any contamination on the site, whether or not it originates on the site. The desk study 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 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.

B. 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) the same details as in part A above (ii) a survey of the extent, scale and nature of contamination and (iii) an appraisal of remedial options, and proposal of the preferred option(s).

C. 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.

D 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 undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason for condition:-

The details are required prior to the commencement of the development 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 from the outset of the development.

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

9

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

10

Ecology

The recommendations at section 6 and enhancements at section 7 of the Preliminary Ecological Appraisal Report (Gray Ecology; September 2018) will be strictly adhered to during construction works and prior to first occupation of the development. In addition, the following will also be strictly adhered to:

- Construction works including site clearance to be restricted to daylight hours only to prevent disturbance or accidental harm to nocturnal animals such as hedgehogs. Night lighting of the site should be minimised to reduce disturbance to other nocturnal animals such as bats.

- Site lighting schemes for the new development should be unobtrusive, hooded/shielded and directional away from features that may be used by roosting, commuting and foraging bats, such as hedgerows and mature trees. The Bat Conservation Trust and The Institution of Lighting Professionals (ILP) have produced guidance on bats and lighting:

<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect the wildlife value of the site in accordance with Policy CP10 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009 and the National Planning Policy Framework.

17

Variation of approved plans

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.