

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2018/1384/VAR	<b>CASE OFFICER</b>	Naomi Minto
<b>LOCATION:</b>	BEACHAMWELL Land Between Greenway Garage and October Cottage Langwade Green Shingham	<b>APPNTYPE:</b>	Variation of Cond's
<b>APPLICANT:</b>	Mr John Rix Malthouse Farm Chestnut Walk	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Clayland Architects The Glass House Lynford Gardens	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Variation of condition 2 approved plan & rewording of conditions 3, 4, 5, 6, 8, and 15 as well as removal of conditions 11 & 12 (highways) and 17 & 19 (ecology)of application 3PL/2015/1049/F - Eco home with stables, paddocks, riding area, all weather riding surface and landscaping	<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The application is to be considered by Planning Committee as the site is outside of any defined settlement boundary and recommended for approval.

#### KEY ISSUES

Acceptability regarding the variation and removal of conditions attached to planning permission 3PL/2015/1049/F:

- condition 2 (approved documents and drawings),
- condition 3 (external materials),
- condition 4 (detailed construction specification),
- condition 5 (landscaping),
- condition 6 (slab levels),
- condition 8 (vehicular access),
- condition 11(off-site highway improvement works),
- condition 12 (completion of off-site highway improvement works),
- condition 15 (stable block foundations and slab levels),
- condition 17 (potential presence of stone curlew), and
- condition 19 (potential presence of badgers).

#### DESCRIPTION OF DEVELOPMENT

Condition (2) would be amended to reflect a revised proposed dwelling design and in order to address proposed amendments to conditions 3, 4, 5, 6, 8 and 15.

Condition (3) would be amended to address proposed change to external materials, and to remove the need for future submission and agreement of details of external materials, as those details have been provided as part of this application.

Condition (4) would be amended to take account of a revised approach to construction and to remove the need for future submission and agreement of a detailed construction specification, as those details have been provided as part of this application.

Condition (5) would be amended to remove the need for future submission and agreement of a landscaping scheme, as a landscaping scheme has been provided as part of this application.

Condition (6) would be amended to remove the need for future submission and agreement of proposed slab levels, as this information has been provided as part of this application.

Condition (8) would be amended to take account of an updated vehicular access plan.

Condition (11) would be removed as it has been fully discharged under application 3DC/2017/0217/DOC.

Condition (12) would be removed as the off-site highways works have been completed to the satisfaction of the Highway Authority, as per the requirements of the condition.

Condition (15) would be amended to remove the need for future submission and agreement of proposed foundations and slab levels of the stable block, as this information has been provided as part of this application.

Condition (17) would be removed as the required confirmation from a qualified Ecologist that Stone Curlew nests are not present on the site has been provided as part of this application.

Condition (19) would be removed as the required confirmation from a qualified Ecologist that badgers are not present on or near the site has been provided as part of this application.

#### **SITE AND LOCATION**

The application site currently consists of an agricultural field situated outside of any defined Settlement Boundary. The site is bounded to the north by the highway and residential properties with wooded areas and agricultural land beyond, to the west by residential properties with agricultural land beyond, to the south by further open agricultural land within the applicant's ownership and to the east by an area of woodland with agricultural land beyond.

#### **EIA REQUIRED**

No.

#### **RELEVANT SITE HISTORY**

3DC/2017/0217/DOC

DOC - COMPLETE

16-01-18

Discharge of Condition no 11 on 3PL/2015/1049F

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3PL/2014/0203/F	Withdrawn INVALID	17-10-14
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Proposed new build contemporary eco home, american style barn, paddocks, menage, exercise area

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3PL/2014/1113/F	Withdrawn	24-04-15
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Erection of eco lifetime home with stables, paddocks, grass riding area, all weather riding surface & new trees

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3PL/2015/1049/F	Permission	21-03-16
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Erection of eco lifetime home with stables, paddocks, grass riding area, all weather riding surface & landscaping

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### **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.04	Infrastructure
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.02	Principles of New Housing
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### **OBLIGATIONS/CIL**

Not Applicable.

### **CONSULTATIONS**

#### **BEACHAMWELL P C**

Objection based on demands upon local infrastructure, highway issues and the proposed development no longer complying with Paragraph 55 of the National Planning Policy Framework.

#### **NATURAL ENGLAND**

No objection.

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

The off site highway works were approved and have now been carried out and therefore no objections to Conditions 11 and 12 being removed as requested.

No objections to Condition 8 being re-worded to refer to drawing 1748 06 PL Rev A.  
All other conditions including 7, 9 and 10 must be re-imposed with an informative note.

**FLOOD & WATER MANAGEMENT TEAM**

No objection.

**TREE AND COUNTRYSIDE CONSULTANT**

No objection.

**CRIME REDUCTION & ARCHITECTURAL LIAISON OFFICER** No Comments Received

**PRINCIPAL PLANNER MINERAL & WASTE POLICY** No Comments Received

**ECOLOGICAL AND BIODIVERSITY CONSULTANT** No Comments Received

**ENVIRONMENTAL HEALTH OFFICERS** No Comments Received

**CONTAMINATED LAND OFFICER** No Comments Received

**REPRESENTATIONS**

A site notice was displayed and neighbours consulted. Seven representations were received raising the following main points of concern;

- Material change to the original application that renders the original NPPF 2012 Paragraph 55 approval invalid - it will no longer be 'truly outstanding or innovative'.
- The visual impact of the changes between the approved and proposed dwelling is significant.
- 'Eco' credentials heavily relied upon for original approval no longer exist.
- Innovative elements have been replaced with traditional and standard approaches.
- The proposed simplifications cumulatively strip out much of the sophistication of the approved architectural design.
- The proposed dwelling would be less attractive, more monolithic and bland compared to the approved dwelling.
- The wheelchair lift has been removed from the design, reducing the 'lifetime' home element.
- The proposed design is a poor attempt to combine traditional and modern.
- Approved dwelling was overly ambitious.
- Dwelling was approved despite considerable local opposition.
- Approval would fly in the face of planning policy and due process.
- Planning law has been broken.
- Several conditions have already been breached as development has commenced.
- Questionable whether groundworks can realistically be carried out before the end of February as required by Condition 18.
- Contradiction between the WFE report assertion that the entire site is unsuitable as habitat for stone curlews and the proposal for a grassed area supposedly for the benefit of stone curlew.
- Approval would set a dangerous precedent.

**ASSESSMENT NOTES**

1.0 Principle

1.1 In deciding an application under section 73, the Council may only consider the question of the conditions subject to which planning permission should be granted. A complete re-consideration of the proposal should not need to be undertaken, unless there has been a material planning change in circumstance.

1.2 The granting of the earlier planning permission (3PL/2015/1049/F) on this site goes some way to establishing the principle of residential development in this location.

1.3 Despite this, the concerns of neighbours are noted, given the earlier scheme, when assessed against Policy CP14, was considered contrary to this policy due to its location outside of any development boundary, but was considered to be 'innovative' in terms Paragraph 55 (now paragraph 79 of the NPPF 2019). Since the earlier permission a new NPPF has been adopted and as stated paragraph 55 has become paragraph 79, despite this the principles have remain largely the same.

1.4 Paragraph 79 states that development of isolated homes in the countryside should be avoided unless . . . the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural area; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area'.

1.5 Previously, the proposal was considered in accordance with Paragraph 55 due to its 'innovative architectural design'. Although, the materials and the sustainability credentials of the development may have changed, and this is further addressed below, the design approach remains very similar to that previously approved and therefore, given the limited change to policy, it is considered that the principle of development here has been established on design grounds via paragraph 79 and the sites previous assessment in accordance with paragraph of the NPPF and the granting of the earlier consent.

1.6 In addition, to the above, the Council can not currently demonstrate a five year housing land supply and therefore in the context of paragraph 11 of the NPPF, development that accords with an up-to-date Local Plan should be approved without delay, and where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. An assessment has also been made on the basis of the significant and demonstrable harm of granting planning permission for this proposal in this location.

## 2.0 Design and Construction

2.1 A revised proposed dwelling design has been submitted. Proposed amendments include a change to the render colour from "white" to "buttermilk", the removal of the previously proposed basement, and the curved wall to now be clad in flint. Notwithstanding these proposed amendments, the revised design would retain the overall character and contemporary style of the previously approved scheme and would use a similar pallette of materials.

2.2 It is proposed to change the building material from Hempcrete to Thin Joint Construction. The application is supported by an Energy Appraisal and an independently-prepared Building Regulation Part L Compliance report. These documents illustrate that the ecological sustainability of the proposed Thin Joint Construction is similar to the previously proposed Hempcrete approach. The U-values, SAP rating, Environmental rating and CO2 emission rate of the previously proposed dwelling and currently proposed dwelling would be the same.

2.3 The Energy Appraisal notes that Thin Joint Construction would require less foundation and fewer internal walls, saving the amount of building materials used. This approach is likely to require less transport, fuel and

time spent on-site. There is a known high level of recyclability at the end of the life of Thin Joint Construction materials whereas the recyclability of Hempcrete is currently unknown.

2.4 The revised dwelling design would continue to include elements approved as part of the previous design including passive solar design, triple glazed windows, solar panels, rainwater harvesting, and includes a bore hole for potable water, mechanical ventilation and heat recovery and air source heat pumps for heating and hot water. The revised dwelling design would continue to retain sufficient space to include a lift should it be required in the future.

2.5 On the basis that the proposed design and construction of the revised dwelling would be similar to the approved design, it is acceptable to amend condition (2) to reflect the revised drawings, amend condition (3) to address the proposed change of external materials and amend condition (4) to address the revised approach to construction.

2.6 Condition 6 required the submission and agreement of the proposed dwelling's slab levels and for those agreed levels to be used in the development. Condition (15) required the submission and agreement of proposed foundations and slab levels of the stable block, and for those agreed details to be used in the development. Condition (15) was imposed due to the potential impact upon trees that the stable's foundations could have upon trees. Plans have been provided that illustrate the proposed slab levels of the dwelling and the proposed foundations and slab levels of the stable block. The Tree and Countryside Consultant has been consulted on the proposals and has no objections. The submitted details are acceptable and it is therefore appropriate to amend both conditions (6) and (15) in such a way that would not require any further submission of details, only for the use of the details as agreed.

### 3.0 Landscaping

3.1 Condition (5) required for the submission and agreement of a landscaping scheme. Details of proposed landscaping have been submitted as part of this application. The Tree and Countryside Consultant has been consulted on the proposals and has no objections. It is acceptable for condition (5) to be amended to remove the need for future submission and agreement of a landscaping scheme, but to continue to include requirements with regards to the planting schedule and the replacement of any elements of the landscaping that may become lost.

### 4.0 Highways

4.1 Condition (11) required the submission and approval of off-site highway works. Details relating to condition (11) were submitted and approved by the Highways Authority and Local Planning Authority on 16/01/2018 (reference 3DC/2017/0217/DOC). It is therefore acceptable for condition (11) to be removed.

4.2 Condition (12) required for the off-site highway works approved under application reference 3DC/2017/0217/DOC to be completed to the satisfaction of the Highway Authority. The Highway Authority have been consulted on this application and have confirmed that the works have been completed to the required standard. It is therefore acceptable for condition (12) to be removed.

4.3 Condition (8) requires amending as the existing version refers to a drawing that has now been updated. The Highway Authority has confirmed they have no objections to amending the wording of condition (8) to refer to the updated drawing.

### 5.0 Ecology

5.1 Condition (17) required confirmation from a suitably qualified Ecologist that Stone Curlew nests are not present on the site. If nests were present, a scheme of protection was required to be agreed and carried out. Wild Frontier Ecology have undertaken a survey of the site and have confirmed there is no possibility of the construction works negatively impacting nesting stone curlews. There is therefore no need to agree and carry out a scheme of protection, and condition (17) can be removed.

5.2 Condition (19) required a pre-commencement badger check to be carried out on site by a suitably qualified Ecologist. Should the potential for harm to badgers existed, a scheme of mitigation was required to be agreed and carried out. Wild Frontier Ecology have undertaken a badger check of the site and have confirmed that no signs of badger were located within the development site or its environs, and the development would not negatively impact any local badger population. There is therefore no need to agree and carry out a scheme of mitigation, and condition (19) can be removed.

## 6.0 Conclusion

6.1 In terms of the overall planning balance, the proposed condition variations and removals are considered acceptable and are in accordance with existing local planning policy and the requirements of the National Planning Policy Framework and the granting of this amended proposal is not considered significant and demonstrable, given the granting of the previous planning permission. The application is therefore recommended for approval.

## CONDITIONS

- 1 Material Amendment**

This permission seeks a material amendment to planning permission 3PL/2015/1049/F. The development must commence in accordance with the time scale and conditions set out in the original permission unless varied by this permission.  
Reason for condition:  
To comply with section 92 of the Town & Country Planning Act 1999 (as amended).
- 2 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.
- 3 External materials and samples to be approved**

The development shall be constructed in accordance with external materials shown on approved drawing 1748-21 PL Rev A, and using Thin Joint Construction as detailed in approved document 1748 Energy Appraisal, and this condition shall apply notwithstanding any indication as to these matters which have been given in the current application. Only such agreed materials shall be used in connection with this approval.  
Reason for condition:  
To ensure the satisfactory appearance of the development, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**
- 4 Sustainable construction credentials**

The development shall be constructed in accordance with the detailed specification set out in the approved document 1748 Energy Appraisal, to accord with the details of construction of the external envelope, water use/ recycling, the sourcing of materials and waste management. The development shall be constructed to accord with anticipated energy performance as detailed in approved document Building Regulations Part L Compliance Eco House Beachamwell by Kass and Beard.

Reason for condition:

To ensure that the dwelling is constructed to an appropriate standard in relation to energy use and sustainable construction techniques.

**5 Landscaping - details and implementation**

Prior to the occupation of the development hereby permitted, a scheme of landscaping as detailed on approved drawing 1748-06 PL Rev A shall be implemented. The approved scheme shall be carried out during the planting season November/March immediately following the approval of this application, or within such longer period as may be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 (five) years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:

To ensure the satisfactory appearance of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**6 Prior approval of slab level**

Only the slab levels of the dwelling/buildings as shown on approved drawings 1748-03 PL Rev D, 1748-08 PL Rev A and 1748-09 PL Rev B shall be used in connection with the development.

Reason for condition:

To safeguard the interests of the amenities of neighbouring occupiers and to ensure the satisfactory appearance of the development from its outset, in accordance with Policy DC 1 and DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**This condition will require to be discharged**

**7 Equestrian facilities personal use only**

The stables, paddocks, and riding area hereby permitted shall be used solely for private equestrian purposes only and shall not be used in connection with any trade or business, including hiring of horses, livery stables, riding school, breeding or training purposes.

Reason for condition:

In the interests of the amenities of the area and local residents in accordance with policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**8 New access - construction over verge**

Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved drawing 1748-06 PL Rev A.

Reason for condition:



To ensure satisfactory access into the site and avoid carriage of extraneous material of surface water from or onto the highway.

**This condition will require to be discharged**

**9 Provision of parallel visibility splay**

Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason for condition:

In the interests of highway safety.

**This condition will require to be discharged**

**10 Provision of parking and servicing - when shown on plan**

Prior to the first occupation of the development hereby permitted the proposed access, parking and turning 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.

**This condition will require to be discharged**

**11 EHO - Manure**

No burning of manure, waste straw, bedding or forages shall take place at any time on the development site.

Reason for condition:

In the interest of the amenity of nearby residents.

**12 No external lighting**

Prior to the first use of the development details of any external lighting, including for the equestrian facilities shall be submitted in writing for approval by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of and proposed hours of use. Only the approved lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason for the condition:

To protect the appearance of the area, the environment and local residents from light pollution.

**13 Stable foundations**

Foundations and slab for the stable block shall be constructed in accordance with approved drawing 1748-08 PL Rev A and 1748-09 PL Rev B.

Reason for condition:

The works are required in order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**14 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**

**15 Work outside bird nesting season**

The proposed ground works on site and vegetation removal shall be conducted outside of the nesting bird season of March to September.

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.

**16 Mitigation measures Ecological Appraisal**

The development shall be undertaken in accordance with bullet points three to five in Section 8 of the Ecological Appraisal, produced by Wild Frontier dated June 2014.

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.