

ITEM:		RECOMMENDATION: APPROVAL
REF NO:	3PL/2019/0161/VAR	CASE OFFICER Rebecca Collins
LOCATION:	BRETTHENHAM Melton Paddocks Shadwell Brettenham	APPNTYPE: Variation of Cond's POLICY: Out Settlemnt Bndry ALLOCATION: N CONS AREA: N LB GRADE: N TPO: N
APPLICANT:	Shadwell Estate Company Ltd C/O Agent	
AGENT:	KWA Architects (Cambridge) Ltd Chalk Farm High Street	
PROPOSAL:	Variation of Condition No 2 & removal of condition 3 on 3PL/2017/0199/F (Change of use to quine use and erection of two new yards inc. dwelling & garage, barns, horse walker & access roads)	

REASON FOR COMMITTEE CONSIDERATION

The application is, as defined by the scheme of delegation, a major planning application and is therefore referred to Planning Committee for this reason.

KEY ISSUES

Principle

Are the amendments deemed acceptable?

Have there been any changes to the adopted development plan or material planning considerations, which would prevent planning permission being granted?

Conditions

DESCRIPTION OF DEVELOPMENT

The proposal is to vary condition 2 and remove of condition 3 of planning permission 3PL/2017/0199/F for a change of use to equine use and erection of two new yards each including a dwelling and garage, barns, horse walker & access roads.

SITE AND LOCATION

The application site is located outside of any defined Settlement Boundary and currently forms a number of agricultural fields to the east of Melton Paddocks. The site is bounded to the north by the A1066, to the east by agricultural land, to the south by agricultural land and woodland and to the west by the existing Shadwell Estate at Melton Paddocks.

To the north east of the site on the opposite side of the A1066 is the SPA and SSSI. To the north, approximately 320m from the site is the SPA Stone Curlew Buffer Zone, which also lies approximately 750m

to the west of the site. To the South-West is a Grade II Listed Building.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2017/0199/F Permission 05-03-18

Change of use to equine use and erection of two new yards inc. dwellings & garage, American barn, straw barn, horse walker to each & access roads

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.17	Historic Environment
DC.19	Parking Provision
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

BRETENHAM AND KILVERSTONE PARISH COUNCIL

No comment.

HISTORIC BUILDINGS CONSULTANT

No objection.

NORFOLK COUNTY COUNCIL HIGHWAYS

The amendments do not appear to affect access arrangements and therefore I would not wish to raise an objection subject to all previous highway conditions being re-imposed.

FLOOD & WATER MANAGEMENT TEAM

The Lead Local Flood Authority has no comments to make.

CONTAMINATED LAND OFFICER

No objections or further comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

PUBLIC RIGHTS OF WAY OFFICER

No objection to the application as although Brettenham Footpath 2 is in the vicinity it is unaffected by the proposals.

ECOLOGICAL AND BIODIVERSITY CONSULTANT No Comments Received

TREE AND COUNTRYSIDE CONSULTANT No Comments Received

REPRESENTATIONS

None.

ASSESSMENT NOTES

1.0 Principle of Development

1.1 The proposal is to amend the earlier extant planning permission (3PL/2017/0199/F) for equine use and erection of two new yards, each yard including a dwelling & garage, American barn, straw barn, horse walker and access roads. This proposal is to amend condition 2 and this consent, as follows:

1. Replace approved circular horse walker with an oval horse walker.
2. Replace approved dwelling (165sqm) with a smaller dwelling more suitable to stud farm worker's needs (141sqm).
3. Include Lunge Ring on Yard 2 as well as Yard 1 to ensure both yards are exactly the same.
4. Increase Turnout Barn by 1 bay to allow two smaller turn out barns meaning less conflict between horses when in use.
5. Increase Hay Barn by 2 bays to incorporate implements as well as hay and bedding.

Condition 3 (materials) is proposed to be removed, as additional information which has been submitted to address the requirements of this condition.

1.2 Given the granting of the earlier consent, the principle of development is considered to be established in this location, subject to the acceptability of the proposed variations, as outlined above, which have been further discussed below, along with any relevant policy considerations.

2.0 Are the amendments deemed acceptable?

2.1 Each of the proposed amendments have been addressed, as follows:

1. Replace approved circular horse walker with an oval horse walker.

This is a minor amendment to the original permission, the overall design and scale of the proposal remains the same, albeit a different shape. Given the sites location and distance from the public realm, and taking into account the earlier consent, this is considered an acceptable amendment, unlikely to affect either the character of the area or the amenity of the proposed dwelling in accordance with Policies DC1 and DC16 of the Core Strategy. The materials proposed of grey metal profiled sheeting and wire mesh are also considered acceptable given its proposed use.

2. Replace approved dwellings (165sqm) with smaller dwellings more suitable to stud farm worker's needs (141sqm).

This part of the proposal is to reduce the size and scale of the previous dwellings permitted. These dwellings were previously conditioned with occupancy restrictions and considered acceptable on this basis. Therefore, the principle of development has been established by the granting of the earlier consent. However, the design of the dwellings has been amended and detailing proposed to the elevations, reduced. Although, not as sympathetic in detailing to that of the wider estate, the Historic Buildings officer has raised no objections. The simpler cottage, as proposed, is considered suitable not only for farm workers needs but it would be less intrusive in the wider landscape. The proposal is therefore considered in accordance with Policy DC16.

The dwellings are suitably distanced from the other parts of the proposals and the resultant dwelling and surrounding space is sufficient to protect the amenity of future occupants, especially as these will be tied to the wider use of the yard. The proposal is therefore considered in accordance with DC1 of the Core Strategy.

The materials proposed for the dwellings include red/orange brick and pantiles which are considered sympathetic to the materials on the wider estate and are acceptable.

3. Include Lunge Ring on Yard 2 as well as Yard 1 to ensure both yards are exactly the same.

The inclusion of a fenced lunge ring, as approved on yard 1 is not considered to significantly alter the character or form of development in this location and as with yard 1, this part of the proposal would sit sympathetically with the adjacent development proposed. The proposal is therefore considered in accordance with Policy DC16 also.

This is to be timber fenced, which is considered acceptable in this context.

4. Increase Turnout Barn by 1 bay to allow two smaller turn out barns meaning less conflict between horses when in use.

The increase in size of the turn out barn by one bay is not considered to significantly add new development in this location and would be seen on the backdrop of the existing permitted barn and hay barn. Therefore, this not considered to have an unacceptable impact on the character of the area. Due to the spacing between this and the adjacent proposed dwelling(s) there is unlikely to be a conflict in residential amenity terms either. This part of the proposal is therefore considered in accordance with Policies DC1 and DC16 of the Core Strategy.

The materials proposed for the turn out barn are to be timber boarding on a concrete plinth with fibre cement sheeting, these materials are considered appropriate for this use and the wider character of the area.

5. Increase Hay Barn by 2 bays to incorporate implements as well as hay and bedding.

The increase in the size of the hay barn by two bays is not considered to significantly add new development in this location and would be seen on the backdrop of the existing permitted barn and turn out barn and therefore is not considered to have an unacceptable impact on the character of the area. Due to the spacing between this and the adjacent proposed dwelling(s) there is unlikely to be a conflict in residential amenity terms either. This part of the proposal is therefore considered in accordance with Policies DC1 and DC16 of the Core Strategy.

The materials proposed for the turn out barn are to be timber boarding on a concrete plinth with fibre cement sheeting, these materials are considered appropriate for this use and the wider character of the area.

6. Removal of condition 3 (materials)

The application includes a material schedule pursuant to condition 3 of planning permission 3PL/2017/0199/F, which this application seeks to vary. The submitted details are considered appropriate, as set out above, to discharge condition 3, as the materials proposed are sympathetic to the wider surroundings and landscape in accordance with Policy DC16 of the Core Strategy. Condition 3 would not be removed on this basis but updated to reflect the approved materials.

2.2 Heritage Assets

There is a Grade II Listed Building to the south-west of the application site. However, the variations proposed are significantly distanced and given the earlier consent unlikely to further harm the setting or significance of this Listed Building. This variation does not significantly amend the earlier situation in terms of the Listed Building and the proposal is therefore considered in accordance with Policy 16 of the NPPF (2019) and Policy DC17 of the Core Strategy, as well as sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.3 Ecology

The site lies adjacent to the SPA. Natural England and our ecologist have been consulted in this regard and their responses are awaited. These will be reported to members at the Planning Committee. However, given the modest changes proposed to the scheme and that development lies in the same area as previously approved then it seems unlikely that an objection would be made on the grounds of ecology in accordance with Policy 15 of the NPPF (2019). The previously approved application required the imposition of conditions with regards to lighting; mitigation measures; and construction of new roads, these would be imposed on any subsequent consent.

2.4 Highways

It is not considered that the proposals would change traffic movements associated with this development from that previously approved and therefore as per the previous assessment there is considered no impact on highway safety subject to conditions relating to visibility splays, access, parking, servicing etc, and an informative relating to the boundary with the public highway, as previously suggested.

2.5 Amenity

As per the previous assessment, other neighbouring properties are sufficiently distanced from the proposals so as not to be impacted in amenity terms. The proposal is therefore considered in accordance with Policy DC1 of the Core Strategy.

3.0 Have there been any changes to the adopted development plan or material planning considerations, which would prevent planning permission being granted?

3.1 National Planning Policy Framework (NPPF 2019)

Since March 2018, when planning permission was originally granted for this site, despite the Core Strategy remaining unchanged, the primary development plan document for determining planning applications, the revised NPPF (2018 and 2019) has been adopted. In accordance with the Planning Act and paragraph 47 of the NPPF (2019), decisions must be made in accordance with the adopted development plan, unless material planning considerations indicate otherwise. The NPPF (2019) is a significant material planning consideration. However, it is not considered that the revised NPPF (2019), significantly changes the policy position with regards to this proposal, as the amendments are considered to align with the requirements of Policy 12 of the NPPF, which seeks to protect the character of an area, Policy 15 of the NPPF which seeks to protect and enhance ecology and Policy 16, which seeks to protect heritage assets and their setting, as well as other relevant policies.

3.2 The emerging Local Plan, although having been through examination, is currently out to consultation on the main modifications and therefore at this time can only be afforded limited weight. However, it is not considered that this document would significantly change the recommendation for this application.

3.3 Since the granting of the earlier consent the Croxton, Kilverstone and Brettenham Neighbourhood Plan has been successfully passed at referendum. The relevant policies and a summary of them has been provided to inform the decision on this application:

- POLICY JNP1: Housing Design and Material - Requires high quality design.
- POLICY JNP3: Enhancing village gateways and protecting local landscape character.
- POLICY JNP 5: Historic Environment - New development proposed, in close proximity, to designated or non-designated heritage assets should take account of the historic fabric of the area and preserve or enhance the character or appearance of the Croxton Conservation Area, protect the significance of the Listed Buildings, protected trees, and/or other heritage assets as identified in the relevant Character Appraisal.
- POLICY JNP6: Natural Environment - New developments will need to consider direct and indirect impacts to the European Protected Sites and SSSIs and where possible existing natural features such as trees or hedgerows, should be retained and enhancements made.
- POLICY JNP7: Transport and Highway Safety - Development will be expected to ensure that there is no detriment to highway safety.
- POLICY JNP9: Employment - New employment uses appropriate to a rural area, will be supported, provided they do not have a significant adverse impact on the character of the area or the amenity of residents.
- POLICY JNP14: Brettenham and Kilverstone Character Appraisal - The Character Appraisal for Brettenham identified the following as important and distinctive materials and details that contribute to the overall character and local distinctiveness of the parish:
 - a) Brick and render, Brick with Flint facades
 - b) Tiled or slate roofs - occasional thatch roofs

It is not considered that these policies and considerations materially change the conclusions and recommendation of the earlier permission. The materials proposed are also considered consistent with Policy JNP14.

3.5 It is not considered that there has been significant change to either the development plan or the NPPF

(2019) to warrant refusal of planning permission and it is considered that the proposals remain consistent with the key objectives of both the development plan and the NPPF (2019) and therefore the application is recommended for approval.

4.0 Conditions

4.1 Other than the variation of conditions 2 and 3, as set out above, all other relevant conditions previously proposed are to be added to this consent. The time condition will be updated to reflect that of the earlier consent, as is usual practice, as a variation of condition application can not be used to extend a time limit.

5.0 Conclusion

5.1 The application is considered in principle acceptable and the amendments minor in nature and do not significantly impact either the character of the area, highways safety, heritage or amenity. The application is therefore recommended for approval, subject to the conditions as set out above and no objection being raised from our ecologist or Natural England to the proposals.

RECOMMENDATION

Recommended for approval, subject to the conditions listed below and no adverse comments being received from Natural England or the Council's own ecologist.

CONDITIONS

- 1 Non Material Amendment**
The development hereby permitted shall be begun on or before 27 March 2018.
Reason for Condition:-
As required by section 91 of the Town and Country Planning Act 1990.
- 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 wall and roof materials to be agreed**
The materials to be used in the construction of the development hereby approved shall be as set out in the submitted Materials Report 969/MR dated 11th February 2019, unless otherwise first agreed in writing by the Local Planning Authority.
Reason for condition:-
To enable the Local Planning Authority to control the colour, tone, texture and appearance of the materials used to ensure the satisfactory appearance of the development, as required by 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 Occupancy restriction**
The occupation of the two workers dwellings shall be limited to persons solely or mainly employed by the Equine Business at Shadwell Estate, or a dependant of such person residing with him or her, or a widow or widower of such a person, and to any resident

dependants.

Reason for condition:-

The development site is outside an area where Local Planning Policies normally permits residential development and permission has been granted in this instance having regard to the needs of the particular rural enterprise.

5 Provision of visibility splays - conditioned

Prior to the commencement of the use hereby permitted a visibility splay measuring 4.5 metres x 215 meters shall be provided to each side of the access of the main site access where it meets the highways and such splays shall thereafter be maintained at all times free from obstruction exceeding 1.0 meters above the level of the adjacent highway carriageway.

Reason for condition:-

In the interest of highway safety.

This condition will require to be discharged

6 Existing access - closure

Vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing No 969-04 rev A only. Any other access(es) or egresses shall be permanently closed, and the footway/highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the new access.

Reason for condition:-

In the interests of highway safety.

7 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.

8 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

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Tree Condition - AIA,TPP,AMS

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) as supplied by agb project number P2713.1.0. No other operations shall commence on site in connection with the development 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 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. No works shall take place within the identified root protection areas unless carried out under arboricultural supervision as specified in item 6.3 of the approved Arboricultural Impact Assessment (AIA), Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) as supplied by agb project number P2713.1

Reason for condition:-

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

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Full details of external lighting

No external lighting shall be erected unless full details have first been submitted to and agreed in writing with the Local Planning Authority. The details shall include a lighting plan indicating luminance levels both on the site and beyond, and a schedule of equipment including mounting heights. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation, in particular any external lighting within the development shall incorporate hoods and covers, the use of short timers and proximity sensors so that any lighting is only on when necessary. Any lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

Reason for condition:-

In order to minimise light pollution and to mitigate the effects of the development on the population and distribution of stone curlew having regard to policies DC1 and CP10 and of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

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Ecology - mitigation measures

The proposed development shall accord with the Stone Curlew Management Report (including stone curlew mitigation strategy and monitoring set out within the report) dated 15 January 2018 by Aurum Ecology Limited and shall be retained in perpetuity. The mitigation land shall be provided prior to works commencing.

Reason for condition:-

In order to ensure that the that the identified impacts on stone curlew, the qualifying species of Breckland Special Protection Area SPA and Breckland Farmland Site of Special Scientific Interest can be appropriately mitigated.

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Ecology - Road construction

Construction of new roads or any clearance around the proposed two stable sites shall not take place during the bird nesting season of March 1st to August 31st inclusive, or until a qualified ecologist has confirmed the absence of active nests. If nesting birds are present, the nest area shall be corded off and left undisturbed until the birds have fledged.

Reason for condition:-

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

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Non-standard condition

Details of a nesting box for kestrels as set out in section 8.2 of the Aurum Ecology report (Melton Paddocks New Yards) shall be submitted to and approved in writing by the LPA and there after implemented.

Reason for condition:-

In the interests of biodiversity enhancements and having regard to Policy CP10 of the Core Strategy and Development Control Policies.

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Non-standard condition

Details of a biodiversity planting scheme as set out in section 8.10 of the Aurum Ecology report (Melton Paddocks New Yards) shall be submitted to and approved in writing by the LPA and there after implemented.

Reason for condition:-

In the interests of biodiversity enhancements and having regard to Policy CP10 of the Core Strategy and Development Control Policies.