

| | | | |
|-------------------|--|------------------------|---------------------|
| ITEM: | | RECOMMENDATION: | APPROVAL |
| REF NO: | 3PL/2018/1215/VAR | CASE OFFICER | Carl Griffiths |
| LOCATION: | ICKBURGH The Old Rectory Ashburton Road, Ickburgh | APPNTYPE: | Variation of Cond's |
| APPLICANT: | Alfred Charles Homes c/o Agents | POLICY: | Out Settlemnt Bndry |
| AGENT: | David Futter Associates Ltd Arkitech House 35 Whiffler Road Norwich | ALLOCATION: | N |
| PROPOSAL: | Variation of condition 2 on 3PL/2017/1165/VAR in respect of minor revisions to the design of the dwellings and layout & conditions 7, 8, 9 & 10 & removal of conditions 3, 4, 14 & 16 as details have been submitted with this application | | |
| | | CONS AREA: | N |
| | | LB GRADE: | N |
| | | TPO: | N |

REASON FOR COMMITTEE CONSIDERATION

The application represents a major application by virtue of the site area which exceeds the 0.5 hectares.

KEY ISSUES

The impact of the proposed amendments on the consented scheme in terms of character, highways, trees and contaminated land.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the variation of condition 2 (approved plans) of planning permission 3PL/2017/1165/VAR in respect of minor changes to the design and layout of the dwellings.

The application also seeks to vary the following conditions:

- Condition 7 to be varied to relate to the submitted Arboricultural Impact Assessment provided by AT Coombes (30/08/2018).
- Condition 8 to be varied to relate to drawing reference 6890 SL01 Rev C
- Condition 9 to be varied to relate to drawing reference 6890 SL01 Rev C
- Conditions 10 and 11 to be varied to relate to drawing reference 6890 SL02
- Conditions 10 and 11 of 3PL/2017/1165/VAR to be varied to relate to drawing reference 6890 SL02

In addition, the application incorporates information which satisfies conditions 3, 4, 14 and 16 of planning permission 3PL/2017/1165/VAR relating to materials, slab levels, site investigation/risk assessment and fire hydrant provision respectively.

SITE AND LOCATION

The application site extends to 0.96 hectares, and comprises a rectangular parcel of previously developed land that is formed of hardstanding and contains a number of industrial, storage and office buildings. It is located to the south of Ashburton Road, Ickburgh to the rear of The Old Rectory. The site is wholly outside the Settlement Boundary.

Ickburgh lies to the east of the A1065, 5.5 kilometres south of Swaffham and 3 kilometres north of Brandon.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3PL/2015/0001/F - Erection of eight detached dwellings. Approved.

3PL/2016/0773/VAR - Erection of eight detached dwellings 3PL/2015/0001/F - Revised House Types. Approved.

3PL/2017/1165/VAR - Variation of conditions 4 & 15 on 3PL/2016/0773/VAR. Approved

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.09 | Pollution and Waste |
| DC.01 | Protection of Amenity |
| DC.02 | Principles of New Housing |
| DC.12 | Trees and Landscape |
| DC.16 | Design |

OBLIGATIONS/CIL

Not applicable to this variation application, as obligations secured by existing section 106 Agreement attached to permission 3PL/2015/0001/F would also take effect on section 73 applications to vary this permission.

CONSULTATIONS

TREE AND COUNTRYSIDE CONSULTANT

No Comments Received

ICKBURGH P C

No Comments Received

REPRESENTATIONS

None

ASSESSMENT NOTES

The application seeks permission for a variation to the conditions of planning permission ref: 3PL/2017/1165/VAR, which in itself relates to original parent permission 3PL/2015/0001/F for the erection of 8 detached dwellings.

The proposals are addressed in turn below:

Condition 2 - (Approved Plans)

The application seeks permission for minor material amendments to the approved scheme through a variation to condition 2 (approved plans). The changes sought are set out below:

Plot No.1

- Sitting Room and en-suite windows enlarged
- Bedroom 1 - sidelights removed
- Kitchen window - reduced in size
- 1 x chimney removed, 1 chimney re-sited
- PV Panels and Air Source Heat Pump added
- Dwelling re-sited to the east

Plot no.2

- Style of windows revised
- Rear facing first floor window serving bedroom 2 removed
- Kitchen reduced in size (pantry removed)
- Bay window removed from lounge replaced with two small windows
- First floor bathroom window enlarged
- Ground floor dining room window removed, doors added
- PV Panels and Air Source Heat Pump added
- Dwelling re-sited to east

Plot no.3

- Ground floor window serving kitchen relocated and enlarged
- First floor en-suite window added
- Two small windows added to lounge
- PV Panels and Air Source Heat Pump added
- Dwelling re-sited to east

Plot no.4

- Garage re-sited to east

Plot no.5

-Garage re-sited to east

Plot no.6

- Ground floor window to kitchen added
- Air Source Heat Pump added
- Dwelling re-sited to the east.
- Garage re-sited to the west

Plot no.7

- First floor window serving bedroom 2 replaced with doors and Juliet balcony
- PV Panels added
- Dwelling and garage re-sited to the east

Plot no.8

- Sidelights to doors serving bedroom 1 and lounge removed
- En-suite window enlarged
- Chimney re-located from rear roof slope to south-east side elevation
- Lounge window removed
- Air Source Heat Pump added
- Dwelling re-sited to the south and east.
- Garage re-sited to the west

The amendments outlined above all do not fundamentally alter the approved scheme in terms of character or appearance in the context of the consented scheme. It is also considered that the proposed amendments would not give rise to any additional concerns relating to the residential amenity.

Condition 7 - Variation

A variation is sought to Condition 7 (Trees and Landscaping), in order to ensure that the condition relates to an updated Arboricultural Impact Assessment.

The updated document was reviewed by the Council's Arboricultural officer who was of the view that the detailed Arboricultural Impact Assessment is acceptable. The planted trees set out within the document would be as follows:

- 2 Discovery apple - *Malus domestica*
- 2 Field Maple - *Acer campestre*
- 2 Silver Birch - *Betula pendula*
- 2 Hornbeam - *Carpinus betulus*
- 2 Rowan - *Sorbus aucuparia*
- 2 Aspen *Populus tremula*
- 2 Pedunculate Oak - *Quercus robur*

The condition is therefore reworded to require compliance with the approved documents,

Condition 8 - Variation

A variation is sought to Condition 8 (Access), in order to ensure that the condition relates to updated plan ref: 6890 SL01 Rev C. The changes relate to the vehicular access to the site. NCC Highways were consulted on the application, and offered no objections subject to the appropriate condition being reattached. On this

basis, the condition is amended to reflect the updated document.

Condition 9 - Variation

A variation is sought to Condition 9 (Parking), in order to ensure that the condition relates to updated plan ref: 6890 SL01 Rev C. The changes relate to the parking layout for each of the dwellings. NCC Highways were consulted on the application, and offered no objections subject to the appropriate condition being reattached. On this basis, the condition is amended to reflect the updated document.

Conditions 10 and 11 (Passing Places and Access Signage) - Variation

A variation is sought to Conditions 10 and 11 to be varied to ensure that the conditions relate to updated drawing reference 6890 SL02. The changes relate to the passing places and access signage approved through the consented scheme. NCC Highways were consulted on the application, and offered no objections subject to the appropriate condition being reattached. On this basis, the condition is amended to reflect the updated documents.

In addition to the variations outlined above, the current application also seeks to discharge conditions through the submission of details to satisfy the requirements of the following conditions:

3 (Materials)

Detailed elevations of each of the residential plots have been submitted which incorporate annotations outlining the material specifications of each plot. Whilst there are some differences in form and architectural detailing, materials are consistent across the development and would comprise the following:

- Clay roof pantiles to the roof
- UPVC windows
- A mix of Wienerberger Renaissance Multi Facing Brickwork and K-Rend Render to the elevations
- UPVC gutters and downpipes

The material composition outlined above is considered to be appropriate for the site and would use materials that are common in the near and wider vicinity and are therefore acceptable in accordance with Policy DC16 of the Core Strategy.

4 (Slab Levels)

Detailed drawings of each of the residential plots have been submitted which show each of the slab levels in accordance with the requirements of the condition. The proposed slab levels would suit the character of the area and would not impact on the amenity of existing or future occupiers in accordance with Policies DC1 and DC16 of the Core Strategy.

Condition 14 (Land Contamination)

Condition 14 relates to contaminated land and is split into 3 parts which need to be undertaken sequentially if demonstrated as necessary in the preceding part of the condition. In this case, the condition requires site investigations to be undertaken to ascertain the nature and extent of any contamination on the site. A Site Investigation Document has been submitted in support of the application which has been assessed by the Council's Contaminated Land Officer.

Upon reviewing the document, it is clear that further investigations will be required in areas of confirmed made ground and soil borne asbestos. The results of the continuing investigations (post site clearance) will be considered once they are submitted as part of the ongoing process. On this basis, the condition cannot be discharged until such time as the additional investigations have been undertaken as well as the remediation and implementation stages of the condition.

Nevertheless, in order to allow for some works to be undertaken - the condition is amended to allow for demolition and site clearance to commence prior to the necessary details being submitted.

Condition 16 (Fire Hydrant)

Plan reference 6890 SL01 Rev C outlines that a new fire hydrant would be installed a central location within the development between Plots 6 and 7. The fire hydrant is located within 90 metres of all residential properties.

Conclusion

Having regard to all of the above, it is considered that the application can be approved subject to conditions.

.

.

RECOMMENDATION

That the application be approved subject to the conditions listed.

CONDITIONS

- 1 Full Permission Time Limit (2 years)**

The development must be begun not later than the expiration of THREE 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.
- 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 materials to be used in the external elevations of the development, shall be implemented in accordance with the plans shown on drawings references unless otherwise agreed in writing by the Local Planning Authority:

6890 WD01 B
6890 WD05
6890 WD09
6890 WD11

6890 WD07
6890 WD03
6890 WDG1
6890 WDG2

Reason: To ensure the satisfactory appearance of the development in accordance with Policy DC16 of the Core Strategy

This condition will require to be discharged

4 Prior approval of slab level

The slab levels shall be implemented in accordance with the plans shown on drawings references unless otherwise agreed in writing by the Local Planning Authority:

6890 WD01 B
6890 WD05
6890 WD09
6890 WD11
6890 WD07
6890 WD03
6890 WDG1
6890 WDG2

Reason: To ensure the satisfactory appearance of the development in accordance with Policy DC16 of the Core Strategy

This condition will require to be discharged

5 No P.D. for extensions, roof alterations, porches

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no extensions, roof alterations or porches as defined within Classes A, B, C and D of Part 1 of Schedule 2 of that Order shall be carried out on the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.

Reasons for condition:-

- a) To ensure the orderly development of the site.
 - b) In the interests of the satisfactory appearance of the development.
- This condition is imposed in accordance with Policy DC1 of the Breckland Adopted Core Strategy.

6 No P.D. rights for extensions, sheds, etc

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 extensions or ancillary buildings as defined within Classes A, B & E of Part 1 of Schedule 2 of that Order shall be erected or brought onto the land unless an appropriate planning application is first submitted to and approved by the Local Planning Authority.

Reason for condition:-

In order that the Local Planning Authority may retain control over future development on this site.

7 Non-standard landscaping condition

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) prepared by A.T Coombes, August 2018. 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 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.

Reason for condition:-

In the interests of the protection of the existig trees and important landscape features in accordance with policies CP6 and CP11 of the Adopted Breckland Core Strategy.

8 Provide access and parking

Access and parking shall be laid out and constructed in accordance with drawing ref 6890 SL01 Rev C prior to the first occupation of the development. Any area so provided shall be maintained and made available permanently for that purpose to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason for condition:-

- (a) To ensure the orderly development of the site.
- (b) To ensure a satisfactory form of estate layout and a satisfactory standard of highway design.
- (c) In the interests of highway safety.

9 Visibility splays

Prior to the first occupation of the development, visibility splays shall be provided to each side of the access where it meets the highway in accordance with drawing ref 6890 SL01 Rev C and such splays shall be kept free of any obstruction in excess of a height of 0.6 metres above the level of the adjoining carriageway.

Reason for condition:-

In the interests of highway safety.

10 Non-standard highways condition

Notwithstanding the details hereby approved, passing places along Ashburton Road shall be provided in accordance with drawing ref 6890 SL02 prior to the first occupation of the development.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development proposed and that the works are designed to an appropriate standard, in the interests of highway safety and to protect the environment of the local highway corridor. Details are required prior to the commencement of development due to the existing quality of access and the requirement of works off-site to be designed, approved and completed prior to the first occupation of the dwellings on site.

11 Non-standard highways condition

No works above slab level works shall take place until, a scheme for the drainage of surface water at the access and new access road has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The surface water

drainage scheme shall ensure that surface water does not discharge from or onto the highway carriageway and shall be completed in accordance with the approved details prior to the first occupation of the development hereby permitted.

Reason for condition:-

To provide safe access and egress and avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.

12 Non-standard highways condition

No above slab level works shall take place until, a scheme for the provision of signage for the separate 'In' and 'Out' access and egress to the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The scheme of signage shall be completed in accordance with the approved details prior to the first occupation of the development hereby permitted.

Reason for condition:-

To ensure that the highway network is adequate to cater for the development proposed and that the works are designed to an appropriate standard, in the interests of highway safety and to protect the environment of the local highway corridor.

13 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

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 (other than demolition and site clearance) 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

Non-standard landscaping condition

No development above slab level shall take place until a Construction Ecological Management Plan (CEMP) detailing the working methods to be adhered to during the construction phase should be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall take place in accordance with the agreed CEMP.

Reason for condition:-

In order to protect the wildlife, and nature conservation interests of the in accordance with policy CP10 of the of the Breckland Adopted Core Strategy. A CEMP is required to be approved prior to the commencement of development given the nature of the proposed works required and in order to ensure that the wildlife and nature conservation interests are appropriately protected throughout the carrying out of construction of the development.

16 Non-standard landscaping condition

Prior to the first occupation, the fire hydrant shown on drawing ref 6890 SL01C shall be installed and thereafter permanently retained.

Reason: In the interests of fire safety

18 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.