

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2019/0456/VAR	<b>CASE OFFICER</b>	Naomi Minto
<b>LOCATION:</b>	STOW BEDON/BRECKLES Pig Patch House Mere Road Stow Bedon	<b>APPNTYPE:</b>	Variation of Cond's
<b>APPLICANT:</b>	Mr Ian MacIntosh Pig Patch House, Mere Road Stow Bedon	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Cowen Consulting Chiara Mere Road Stow Bedon	<b>ALLOCATION:</b>	N
<b>PROPOSAL:</b>	Variation of Condition No2 on 3PL/2015/0461/F - Omission of semi-basement resulting in reduction of height of building, erection of entrance porch, small first floor addition & change to fenestration (west 1st floor), changes to siting of building (westerly direction)		
		<b>CONS AREA:</b>	N
		<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

#### REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee as the Agent is a Councillor.

#### KEY ISSUES

Acceptability regarding the variation of condition 2 (approved plans) of permission 3PL/2015/0461/F.

#### DESCRIPTION OF DEVELOPMENT

The application seeks to vary condition 2 of permission 3PL/2015/0461/F, which relates to the approved plans. The proposed changes would involve the omission of the semi basement; incorporation of an enclosed glazed entrance porch; adjustment of first floor footprint by 6.5sqm on the south west corner with minor elevation changes to fenestration; retain the building's position in a north south axis to ensure circa 21m from the boundary with Mere Road; and move the building in a westerly direction increasing the distance from the eastern site boundary from 8m to 14m.

#### SITE AND LOCATION

The application site is located on the southern side of Mere Road on the western fringe of the village of Stow Bedon. The site abuts the Settlement Boundary to the east. The site is bounded on the eastern side by a small orchard with dwellings located further to the east. Immediately to the west is an open field. Opposite the site is an existing dwelling. A mature woodland abuts the rear southern boundary of the site.

#### EIA REQUIRED

No

**RELEVANT SITE HISTORY**

3PL/2015/0461/F	Permission	26-08-15
Construction of a 2 storey dwelling, ancillary external works & detached Cart Lodge & integral store		
3PL/2018/0385/VAR	Permission	05-06-18
Variation of condition 2 on pp 3PL/2015/0461/F - 2 storey dwelling & detached cartlodge - temporary use of cartlodge to dwelling during construction works		

**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.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
NPPF	With particular regard to paras.7, 8, 11, 14, 55, 56, 58, 109
NPPG	National Planning Practice Guidance

**OBLIGATIONS/CIL**

Not applicable

**CONSULTATIONS**

**STOW BEDON & BRECKLES P C**

No objection.

**REPRESENTATIONS**

A site notice was erected on 15 May 2019 and five neighbours were consulted. One representation was received raising the following main points;

- Proposed changes are significant to both the boundary and reduction in height.

**ASSESSMENT NOTES**

1.0 Principle of development

1.1 In deciding an application under section 73, the Council may only consider the question of the condition/s subject to which planning permission should be granted. A complete re-consideration of the proposal cannot be undertaken.

1.2 This application seeks to vary condition 2, relating to the approved plans/documents of planning permission 3PL/2015/0461/F. Following the grant of application reference 3PL/2015/0461/F, subsequent site investigations identified that the original intent to create a semi basement is not viable. As a consequence, this application has been submitted to omit the semi basement. This will lead to a reduction in the overall height of the building. In addition, it is proposed to incorporate an enclosed glazed entrance porch; adjust the first floor footprint by 6.5 square metres on the south west corner with subsequent minor elevational changes to fenestration as a consequence. It is proposed to retain the building's position in a north south axis, which will ensure it remains circa 21 metres from the boundary with Mere Road. However, the application also seeks to move the building in a westerly direction, which in turn will increase the distance from the eastern site boundary from 8 metres to 14 metres.

1.3 The alterations proposed are considered acceptable in planning terms. Whilst it is noted that a representation has been received in respect of the proposed changes submitted as part of a variation of condition, the application can be considered as a variation of condition as this would be a new planning permission. Therefore, the variation of condition 2 in line with the submitted plans is considered acceptable and will be varied to refer to the approved drawings.

2.0 Conclusion

2.1 Based on the above, the application is recommended for approval, subject to the previous conditions being imposed, where necessary.

**RECOMMENDATION**

The application is recommended for approval, subject to the following conditions.

**CONDITIONS**

- 1 Material Amendment**

This permission seeks a material amendment to planning permission 3PL/2015/0461/F. The development must commence in accordance with the time scale and conditions set out in the original 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 All external plant to be screened**

No mechanical plant, duct work, tanks, satellite or radio antennae or other structures shall be located on the roof other than those shown on the drawings hereby approved, all external plant hereby approved shall be adequately screened. Precise details of the screening shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development and carried out in accordance with the approved details only.

Reason for condition:-

In the interests of the satisfactory appearance of the development.

**4 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.

**5 Trees/hedges to be retained**

The existing trees/hedges along the site's Mere Road frontage shall be retained other than the pruning required. Should any die or be removed without the written consent of the Local Planning Authority, they shall be replaced during the next planting season with a tree(s) or hedging of a species, size and in the same location to the satisfaction and written agreement of the Local Planning Authority.

Reason for condition:-

In the interests of the satisfactory appearance of the development, in accordance with Policy DC12 and DC16 of the adopted Core Strategy.

**6 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 plan in accordance with highway specification (Dwg No. TRAD5 attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason for condition:-

The details are required prior to the occupation of the development to ensure satisfactory access into the site and avoid carriage of extraneous material of surface water from or onto the highway, having regard to Policy CP4 of the adopted Core Strategy.

**This condition will require to be discharged**

**7 Provision of visibility splays - conditioned**

Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m X 43m metres shall be provided to each side of the access where it meets the highway and such splays 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:-

The details are required prior to the occupation of the development in the interest of highway safety, having regard of Policy CP4 of the adopted Core Strategy.

**This condition will require to be discharged**

**8**

**Ecology**

The development shall be carried out in strict accordance with the mitigation measures contained at pages 29 - 32 of the approved Ecology Report (Eco-Check April 2014).

Reason for condition:-

In order to ensure that appropriate measures are taken to protect wildlife and promote biodiversity. These details are required prior to the commencement of development to ensure that existing features of ecological value are protected from the outset of the development, in accordance with paragraph 15 of the NPPF (2019).

**9**

**Work to take place as per 3DC/2016/0127/DOC**

The development shall be carried out in accordance with the approved details agreed via 3DC/2016/0127/DOC on 19 October 2016, relating to external materials (Drg. No: 2115/SK/OP2/011); slab levels; construction, surfacing and drainage of the parking and servicing areas and the means of access; and landscaping, unless otherwise first agreed in writing by the local planning authority.

Reason for condition:-

In order to ensure the satisfactory development of the site, in accordance with CP4, DC12 and DC16 of the Breckland Core Strategy.

**10**

**Cartlodge to be reinstated**

Prior to the first occupation of the dwelling approved or following three years from the date of planning permission 3PL/2018/0385/VAR (whichever is the sooner), the cartlodge shall be re-instated to its approved use and its appearance and layout reinstated to those previously approved.

Reason for condition:-

In order to define the permission and to ensure the satisfactory development of the site, in accordance with Policy DC16 of the adopted Core Strategy.

**13**

**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.