

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2018/0586/VAR	CASE OFFICER	Fiona Hunter
LOCATION:	ATTLEBOROUGH Westholme, R G Bales Development Site Attleborough	APPNTYPE:	Variation of Cond's
APPLICANT:	The Answer (Construction) Ltd Abbey Farm Carr Lane	POLICY:	In Settlemnt Bndry
AGENT:	C D Mountney MRICS Marshams Barn Park Common	ALLOCATION:	N
PROPOSAL:	Variation of condition 2 on pp 3PL/2007/0246/F - 15 starters homes or small flats - change of external materials	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is a variation to a major.

KEY ISSUES

Principle of development/change to external materials
Other Matters

DESCRIPTION OF DEVELOPMENT

The applicant seeks consent to vary condition 2 of application 3PL/2007/0246/F which granted consent for 15 residential units in the form of 2 apartment blocks. Condition 2 stated the following;

"2. The development must be carried out in strict accordance with the application form, plans, drawings, and other documents and details submitted or provided by the applicant, as amended by the documents referred to above.

Reason: To ensure the satisfactory development of the site".

The applicant seeks changes to the material finishes to the buildings to use the following materials;

Brick - Hanson clumber red mix.

Render - K Rend Terracotta, K Rend Pewter Grey, K Rend Green, K Rend Champagne.

Roof - Natural aluminium finish

The originally approved materials were as follows;

Brick - Kirby multi red.
Render - Masonry paint finish, gardenia throughout.
Roof - Kingspan goosewing grey finish.

SITE AND LOCATION

The site was originally occupied by a pair of semi-detached dwellings and is located within an area of mixed commercial/residential uses. The site is adjoined by commercial uses. The development has commenced on site with foundations and the finished slab level being put in place.

EIA REQUIRED

No

RELEVANT SITE HISTORY

3DC/2012/0086/DOC Withdrawn INVALID 18-06-12

Discharge of conditions 3, 5, 10, 11 and 12 of pp 3PL/2007/0246/F

3DC/2012/0095/DOC DOC - COMPLETE 10-04-13

Discharge of conditions 3, 5, 10, 11 & 12 on pp 2007/0246

3PL/2007/0246/F Permission 11-07-07

Redevelop site providing 15 starter homes or small flats for factory workers consisting 7 (1 bed) & 8 (2 bed) flats

3PL/2007/0246/F - Redevelop site providing 15 starter homes or small flats for factory workers consisting 7 (1 bed) & 8 (2 bed) flats. Approved - 11.07.2007.

3DC/2012/0095/DOC - Discharge of conditions 3, 5, 10, 11 & 12 on pp 2007/0246. Approved - 10.04.2013.

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.1 Housing
CP.5 Developer Obligations
CP.10 Natural Environment
DC.01 Protection of Amenity
DC.02 Principles of New Housing
DC.04 Affordable Housing Principles
DC.12 Trees and Landscape
DC 13 Flood Risk
DC.16 Design
DC.17 Historic Environment
DC.19 Parking Provision
SS1 Spatial Strategy

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

OBLIGATIONS/CIL

Not Applicable

CONSULTATIONS

ATTLEBOROUGH TC

Refuse - Out of keeping with the streetscene. Members queried why this is being considered now when it was approved in 2007.

REPRESENTATIONS

The application was advertised in the local press, site notice displayed, and letters sent to neighbouring residents. The following representations were received (1 comment);

- Would like to know what the parking provision will be.
- The application is for factory workers but where is the evidence that factory workers would wish or be able to purchase the units.
- The proposed design is out of character, there are no similar buildings in the town.

ASSESSMENT NOTES

1.0 Principle of the Development/Assessment

1.1 The principle of the original consent cannot be revisited under a variation of condition application (Section 73). Such an application may only consider the issue of conditions subject to which planning permission should be granted. The original planning permission will continue to exist whatever the outcome of the application to vary the condition. This report therefore only considers the amendment sought.

1.2 The agent has advised that the full planning permission is extant (ref: 3PL/2007/0246/F), with demolition works having taken place on the 7th July 2012. Photographs showing the demolition with the "date taken" shown as 02/07/2012 have been provided as evidence together with an email dating back to July 2012.

1.3 Condition 2, as detailed above, related to the development proceeding in accordance with the submitted plans and pursuant to condition 2, condition 3 related to the submission of material details. Under application 3DC/2012/0095/DOC material details were submitted and agreed in a decision letter issued on the 13th April 2013.

1.4 This application does not significantly alter the external building materials that was agreed under previous applications. The brick and roof finish is relatively inconsequential in terms of the level of change over what has been approved. The proposed render finish will result in different colour bays to the built form. Again, on a road with a mix of commercial and residential units, and no dominant style, there is the freedom to

introduce a building of this nature without harming the established character. Furthermore the originally submitted plans illustrated bays of differing colours. The proposed colour mix relating to this application raises no concerns.

2.0 Other Matters

2.1 Whilst representations has raised concern in relation to the proposed finish and its conformity to the character of the area, it is considered the change is minor to the finishes already approved and the mix of industrial/residential character allows scope for variation on what is a stand-alone site. The query raised in relation to parking provision is covered by the originally agreed layout.

2.2 The council are content the original permission was commenced on site and in that respect the applicant is free to now commence the development.

3.0 Conclusion

3.1 In light of the above appraisal, it is considered that the change to the materials finish is a minor alteration to the original approval at the site which raises no concern. It is therefore recommend that consent is granted subject to conditions.

RECOMMENDATION

Planning Permission

CONDITIONS

- 1 Variation of previous Time Limit condition**

This permission seeks a material amendment to planning permission 3PL/2007/0246/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 No PD for classes A B C D & E**

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, roof alterations, porches or ancillary buildings as defined within Classes A, B and 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 the interests of the satisfactory appearance of the development and/or the amenities of adjoining residents in accordance with Policy DC1 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

4 Implementation of submitted boundary treatment

The boundary treatment approved pursuant to application 3DC/2012/0095/DOC shall be constructed in the manner shown and completed before the buildings are first occupied.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with Policy DC16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

This condition will require to be discharged

5 Non-standard highways condition

Prior to the occupation of the development hereby approved the vehicular access shall be constructed in accordance with Norfolk County Council residential access construction specification, and additionally to accord with details to be approved in writing by the Local Planning Authority, for the first 5.0 metres into the site as measured back from the near edge of the adjacent carriageway.

Reason for condition:-

To ensure satisfactory access into the site.

6 Non-standard highways condition

Vehicular and pedestrian access to and egress from the adjoining highway shall be limited to the access(es) shown on drawing No.0447/07/03 Feb 07 only (approved pursuant to application 3PI/2007/0246/F). Any other access(es) or egresses shall be permanently closed, and the footway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority with the Highway Authority, before first occupation of the development.

Reason for condition:-

In the interests of highway safety.

7 Visibility splays

Prior to the occupation of the development hereby permitted a visibility splay measuring 2.4 metres x 43.0 metres shall be provided to each side of the access where it meets the highway and such splays shall be kept free of any obstruction in excess of a height of 0.225 metres above the level of the adjoining carriageway.

Reason for condition:-

In the interests of highway safety.

8 Provision of parking and servicing - when shown on plan

Prior to the first occupation of the development hereby the proposed access / on-site car 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.

9 Cycle parking - achievable

The scheme for the parking of cycles submitted and approved by the Local Planning Authority pursuant to application 3DC/2012/0095/DOC shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason for condition:-

To ensure the provision of adequate cycle parking that meets the needs of occupiers of the

proposed development and in the interests of encouraging the use of sustainable modes of transport.

This condition will require to be discharged

10

Approved surface water system to be constructed

Before the floor slab to any dwelling is laid, the approved surface water drainage system for the whole development agreed pursuant to application 3DC/2012/0095/DOC shall be constructed to the agreed specification and maintained thereafter as such.

Reason for condition:-

To minimise the possibilities of flooding.

11

Contaminated Land - Desk Study/Site Investigation

Within 6 months of the date of this decision, 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 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

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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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Noise Impact Assessment required

Prior to the occupation of any of the dwellings hereby approved, the scheme for the mitigation of noise, agreed pursuant to application 3DC/2012/0095/DOC shall be fully implemented on site and the measures retained thereafter.

Reason for condition:-

In order to ensure an appropriate standard of amenity for future residents.

This condition will require to be discharged