

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2021/0051/F	<b>CASE OFFICER</b> Lisa ODonovan
<b>LOCATION:</b>	SWANTON MORLEY Land on the edge of Woodgate Alongside Frog's Hall Lane	<b>APPNTYPE:</b> Full <b>POLICY:</b> Out Settlemnt Bndry <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> N
<b>APPLICANT:</b>	Richard Kenyon The Old Baths 80 Eastway	
<b>AGENT:</b>	Studio Bark The Old Baths 80 Eastway	
<b>PROPOSAL:</b>	Whole life zero-carbon dwelling with detached garage set within a substantial natural landscaping and ecological enhancements scheme	

**DEFERRED REASON**

**A Background**

A.1 This application was due to be heard at Planning Committee on 2nd August 2021. The item was deferred prior to the Planning Committee Meeting to allow officers to consider a last minute objection received from Leathes Prior acting on behalf Swanton Morley Parish Council. The contents of the letter are summarised, and are as follows:

1. The Proposal is in an unsustainable location contrary to Policy GEN05 and HOU03 of the LP and Policy 1 of the SMNP.
2. The Proposal would give rise to unacceptable risks to highway safety contrary to Policy TR01 of the LP and paragraph 111 of the NPPF.
3. The Proposal's design is out of character with the locality and is contrary to Policy COM01 and GEN02 of the LP and Policy 12 of the SMNP.
4. The Site has previously been subject to a planning appeal refusal for a proposed residential development of five houses. The reasons for the refusal of the appeal apply to the Proposal and accordingly the appeal refusal is a significant material consideration which weighs towards a refusal of the Proposal.
5. The use of the Site as an educational facility open to members of the public is not capable of being secured by a planning condition as recommended in the officers report. A proposed educational use of the Site for members of the public would amount to a development (being a material change of use) requiring planning permission. Accordingly, if the applicant wishes to use the Site for educational purposes it will need to amend the Proposal to reflect that it is seeking planning permission for a proposed development of the Site for a mixed educational facility and residential use. If the applicant amends the Proposal it should be required to provide the required information and documentation necessary for the Council to consider and determine the revised proposal.
6. The ecological, environmental and landscaping benefits in the form of the planting of additional hedgerows and trees and implementation of other measures to provide habitats on the Site only provide a negligible or net neutral benefit. These material considerations are accordingly not sufficient to outweigh the policy presumption in favour of refusal given the Proposal fails to comply with numerous policies in the development plan on various grounds.

## **B Applicants response**

B.1 The applicant's Barrister provided a response which addresses the points made where necessary and advises that the Leathes Prior (LP) letter focuses on matters of planning judgement rather than focusing on points of law. The applicant's Barrister states that matters of planning judgement and the application of planning policies should be left to planning officers and the members of the planning committee. The other other points made in their letter are summarised as follows:

B.2 With regards to the 10 January 2018 Appeal Decision. The LP letter asserts that the Council "should give significant weight" to this Appeal Decision. Weight is ultimately a matter for the Council as decision-maker. The Letter refers to the "principle of consistency" in decision-making. This presupposes that the earlier case is alike and not distinguishable in some relevant respect. It seems that the two cases are distinguishable, in that the first application was for outline planning permission for 5 dwellings and the policy context was different. The Letter fails to refer to the fact that the highway authority does not object to the current application.

B.3 The Letter asserts that the judgement in Braintree EWHC 2743 (Admin) is "the leading case" on what is now NPPF 80e. Not so. The High Court judgement cited in the Letter was superseded by the subsequent judgement of the Court of Appeal, reported at EWCA Civ 610; JPL 1036. In any event, I fail to see the relevance of the Letter's NPPF 80e point given the conclusion in the officer report that NPPF 80 is not engaged and that the tests in NPPF 80e are not met.

B.4 Proposed condition 10 requires an approved strategy, before any work on site takes place, and its implementation throughout the lifetime of the development (unless otherwise first agreed in writing by the Council). Were it not to be implemented, there would be a breach of condition, this does not give rise to an enforceability issue. Moreover, if the committee members have any concern about the precision or enforceability of condition 10 the matter could easily be addressed by way of a section 106 planning obligation.

B.5 Condition 10 proposes a maximum of 2 visits per year for a period of 5 years, this would not constitute a material change of use.

B.6 There is a draft section 106 agreement, agreed with the Council's legal officers. It is drafted on the basis that it binds the owners and successors in title. As for the point about a monitoring fee, the Council's legal officers have not required this. If it is required, and justified, it could easily be included in the final version of the section 106 agreement.

## **C Officer Assessment**

C.1 In respect of the points raised by Leathes Prior, the points raised will be responded to in turn.

### **Principle of Residential Development at the Site**

C.2 The Leathes Prior letter refers back to an appeal decision dated 2 January 2018 and this relates to a previous application on the same site for five dwellings. This application is referred to in the Officer's report under the Relevant History section. The point is made that this application was refused and upheld at appeal due to the unsustainable location of the site; unacceptable risk to highway safety; harm as a result of the development of a greenfield site.

C.3 This appeal decision is noted and was noted when making the assessment, however the two applications are not considered directly comparable due to the differing scale of development.

C.4 In terms of whether the site is in a sustainable location, we agree that the site is not considered to meet the aims of Policies HOU02, HOU03 of the Breckland Local Plan (adopted 2019) and Policy 1 of the Swanton Morley Neighbourhood Plan, and therefore isn't considered to be sustainable under these Policies. That said the Council has considered the Development Plan as a whole (as required) and the other material planning considerations, as required by paragraph 2 of the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act (2004). The NPPF is a significant material planning consideration in the determination of any planning application. We therefore consider, in reaching a planning judgement, that there are other material benefits of this proposals, which outweigh any harm caused due to the sites location and conflict with Policies HOU02, HOU03 of the Breckland Local Plan (adopted 2019) and Policy 1 of the Swanton Morley Neighbourhood Plan. These are further set out below.

C.5 Matters of highway impact and landscape harm are further discussed below.

### **Development in the Countryside**

C.6 It is accepted that the site lies outside of the settlement boundary for Swanton Morley, away from its services and facilities and that the site is currently a green field. It is also accepted that Swanton Morley has met its housing target as prescribed in Policy HOU02 of the Breckland Local Plan (adopted 2019). These points are all made within the officer's report and were taken into consideration in the planning balance when reaching the officers recommendation.

C.7 However, the proposal seeks to provide a single dwellinghouse, using sensitive and natural materials which also seeks to incorporate significant landscaping and ecology enhancements which, in this instance, are considered to outweigh the harm of developing the site in the manner proposed.

C.8 With regards to the potential landscape harm and the greenfield site, the proposals are significantly reduced from the 5 dwellings previously proposed. There is additional landscaping proposed across the site and development has been brought in line with other neighbouring development so as not to unduly extend into the open countryside. On this basis the landscape impacts are considered significantly different and the intrinsic beauty and character of the countryside would not be harmed by development and would be enhanced by the additional landscaping. The proposal is therefore considered to accord with Policy ENV05 of the Breckland Local Plan (adopted 2019), which seeks new development to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside.

### **Paragraph 80(e) of the NPPF**

C.9 The Leathes Prior letters advises why the proposal fails to meet the requirements of paragraph 80(e). This is accepted and again, the Officer's report details why the proposal is not considered to meet the aims of the NPPF guidance (80(e)).

C.10 It is important to note that the Council agrees that this site is not considered to be an isolated location. This is having regard to the recent Bramshill Park case, which it is agreed is the most recent judgement which has been said to clarify what is meant by isolated dwellings in the NPPF. The Bramshill Park case sets out that the crucial test in terms of isolation, according to the Bramshill House judgement, is whether the new buildings are remote from a settlement as opposed to other existing dwellings. In this regard, despite the comments from LP that point out the site has neighbouring properties. The Bramshill Park case clearly points out neighbouring properties are not relevant as to whether a site is isolated or not. As the site lies

within reasonable proximity to Swanton Morley and the services it provides, then having regard to the Bramshill Park case, this is why officers consider the site not to be isolated. On this basis, officers agree that the application site can not be considered isolated having regard to paragraph 80 of the NPPF.

### **Highway safety**

C.11 The Leathes Prior letter details the content of the former appeal decision for the scheme for five dwellings. Advising that the highway network cannot accommodate an "additional residential development...safely". It goes on to detail that residents would be highly reliant of travelling by car to access services and facilities. This is not argued with.

C.12 The application was the subject of a formal consultation with Norfolk County Council Highways Authority, who noted and agreed that residents would be highly reliant on travelling by car, however they concluded that with regards to the increase in use of the adjacent road network, "it is considered it would be difficult to substantiate an objection on these grounds now that the proposal has been reduced a single dwelling". On this basis the LP Letter points with regards to "the local highway network cannot accommodate an "additional residential development...safely" and that the road network is "unsuitable for any further traffic movements", is not accepted.

C.13 The LP Letter also makes reference to Paragraph 111 of the NPPF, which states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

The further advice of the Highways Authority has been sought in this regard, who state concerning paragraph 111 . . . that the residual cumulative impacts of traffic associated with a single dwelling on the adjacent road network would not be considered to be severe.

C.14 On this basis the proposal is considered to accord with Policies TR01 and TR02 of the Breckland Local Plan, in that with regards to TR01, the proposal would not adversely impact on the operation or safety of the strategic road network; and with regards to TR02, development would integrate into existing transport networks; highways impacts would be mitigated; the proposal includes appropriate parking; and avoids inappropriate traffic generation and does not compromise highway safety.

C.15 It is noted however, that the proposal does not accord with Policies TR01 and TR02 of the Breckland Local Plan, in that with regards to TR01 development to minimise the need to travel; promotes opportunities for sustainable transport modes; improves accessibility to services; and supports the transition to a low carbon future (with regards to traffic movements only). With regards to Policy TR02, the proposal fails to enhance access to public rights of way; or provide safe, suitable and convenient access for all users.

C.16 The matters of compliance and non-compliance with Policies TR01 and TR02 of the Breckland Local Plan have been taken into consideration in the planning balance and when considering the development plan as a whole.

### **Alleged Benefits of the Proposal**

#### Design

C.17 The Leathes Prior letter considers that the contrast of the dwellings appearance and use of materials are out of keeping with the traditional palette of materials used locally and therefore fails to comply with

policies COM01 and GEN02 of the Breckland Local Plan and Policy 12 of the Swanton Morley Neighbourhood Plan.

C.18 The officer's report accepts that the dwelling's appearance is different to that of the surrounding development however goes on to detail why it is considered acceptable in this instance.

C.19 It should also be noted that Section 12 of the NPPF seeks to achieve well-designed places, with paragraph 130 advising:

*Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); (own emphasis)*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 158 for the NPPF states:

*'When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;** (own emphasis) and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location

Paragraph 134(b) of the NPPF states:

*'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*

C.20 The proposal in the officers view would result in good architecture, of an innovative design, which seeks to add to the overall quality of the area using effective landscaping; it proposes a small-scale project, which will provide a valuable contribution to cutting greenhouse gas emissions. The Local Planning Authority is seeking to encourage appropriate innovation or change and considers that the proposal will create an appropriate mix of development, in accordance with paragraphs 130, 134(b) and 158 of the NPPF.

C.21 The proposal is also considered by officers to accord with parts of Policies GEN02, COM01 and HOU06 of the Breckland Local Plan as follows:

Policy GEN02 requires design in new development to contribute positively to the public realm and public spaces, protecting the high levels of amenity and quality of life making Breckland an attractive, successful and vibrant place for residents, workers and visitors; and creates high quality, safe and sustainably designed buildings, places and streets. The building is considered high quality and contribute positively to the public realm through design and landscaping, as well protecting amenity and creating a sustainably designed building.

Policy HOU06 requires 'in rural locations and at the edges of settlements proposals for lower density development will be supported where it can be demonstrated that this is justified having regard to local character and wider sustainability issues'. This is one dwelling in a large site in a rural location whereby the density and landscaping makes the proposal acceptable in this regard.

Policy COM01 requires the following:

- (c) Incorporates sustainable design and durable construction, observing best practice in energy efficiency and climate change mitigation, and is accessible and adaptable to different activities and land uses and the changing needs of all, including disabled and older people;
- (d) Consists of high quality details and materials that respects or improves local character;
- (f) Ensures that high quality hard and soft landscaping is integral to layout and design, and opportunities to introduce green urban design solutions are optimised. Specifically, development proposals should respond to: i) landform; ii) levels, slopes and the fall from the ground; iii) trees on and close to the site; iv) natural boundary features; v) the biodiversity of the site and its context; and vi) maximise the use of permeable surfaces;
- (h) Provides an appropriate level of amenity for buildings, as outlined in HOU 06;
- (i) Provides high standards of accommodation for housing in terms of size, quality and arrangement of internal space, external private and external communal amenity space, and access to usable open space;
- (k) Requires development to provide appropriate facilities for refuse, recycling and servicing;
- (m) Does not compromise highway safety, enabling safe access for vehicles and for walking and cycling.

The proposal is considered to accord with points c, d, f, i, k and m listed above, for the reasons already provided above and those as set out in the previous officer report.

#### Educational Benefit

C.22 The Leathes Prior letter considers that the proposed condition 10 is not enforceable.

C.23 The Council has sought legal advice on this matter and were advised that the condition is considered to be precise and enforceable.

C.24 The letter also claims that the educational use will result in a material change of use - again, our legal advice sought does not agree.

C.25 On this basis the use of the site for educational purposes and condition 10 are acceptable.

#### Zero Carbon Building

C.26 Leathes Prior state 'Whilst the proposed intention to try and ensure that the Proposal is a zero carbon building within 30 years is laudable, in circumstances where the overriding development plan policies dictate the refusal of the Proposal it is unclear how a net neutral carbon emission over the lifetime of the building amounts to a positive benefit which outweighs the development plan policies'.

C.27 This is indeed a matter of planning judgement. As set out above, paragraph 158 of the NPPF, a material planning consideration, states that applicants should not be required 'to demonstrate the overall need for renewable or low carbon energy' and that Local Planning Authorities should 'recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions'.

C.28 Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Paragraph 2 of the NPPF require the determination of planning application to be made in accordance with the plan unless material considerations indicate otherwise. As already set out, we agree with Leathes Prior that the proposal does not accord with Policies HOU02, HOU03 of the Breckland Local Plan (adopted 2019) and Policy 1 of the Swanton Morley Neighbourhood Plan. However, we do consider the net carbon gains of the development (along with the design, landscaping and ecology) to be compliant with other policies in the Development Plan. There is no precedent argument in planning and each case is considered on its own merits.

C.29 The proposed Section 106 agreement has already been drafted and checked and agreed by our legal team to meet the tests as set out in paragraphs 55 and 57 of the NPPF and Policy INF02 of the Breckland Local Plan (adopted 2019).

#### Landscape and Habitat Creation

C.30 The Leathes Prior letter suggests that the proposed ecological enhancements are not significant and do not offer much more than if the site were left undeveloped.

C.31 The proposed landscaping and ecological benefits provided are considered over and above what would normally be provided and will significantly enhance the offering currently available within the site. Our Ecology Team have confirm that "the ecological enhancement measures proposed are over and above what we would usually request and as demonstrated by Defra's Biodiversity Net Gain calculator in the Biodiversity Enhancement Strategy a net gain for biodiversity can be achieved."

C.32 Policy ENV02 of the Breckland Local Plan (adopted 2019) and paragraph 180(d) of the NPPF states:

*'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'.*

C.33 Our ecologist has confirmed that the proposed landscaping and ecological benefits provided are considered over and above what would normally be provided and that a net gain for biodiversity can be achieved. The proposal therefore accords with Policy ENV02 of the Breckland Local Plan (adopted 2019) and is a relevant other material consideration having regard to paragraphs 180(d) of the NPPF.

#### Determination of Proposal

C.34 As set out above the Local Planning Authority have had regards to Section 38(6) and Paragraph 2 of the NPPF in reaching a recommendation on this application. The Local Planning Authority have weighted the non compliance with Policies HOU02, HOU03 of the Breckland Local Plan (adopted 2019) and Policy 1 of the Swanton Morley Neighbourhood Plan against the Development Plan as a whole, also taking into consideration any other material planning considerations, as set out above.

C.35 In reaching a recommendation on this application and considering the development plan as a whole, whilst it is acknowledge that there is non compliance with Policies HOU02, HOU03 of the Breckland Local

Plan (adopted 2019) and Policy 1 of the Swanton Morley Neighbourhood Plan and parts of policies GEN02, COM01, TR01 and TR02 of the Breckland Local Plan (adopted 2019), when considering the Development Plan as a whole, the proposal is considered to comply with Policies ENV04, ENV05, ENV06 and INF02 and paragraphs 111, 130, 134(d), 158 and 180(d) of the NPPF (as well as paragraphs 2 and 55-57 of the NPPF). The proposal also and partially complies with Policies GEN02, COM01, TR01, TR02 and HOU06 of the Breckland Local Plan (adopted 2019). Therefore, when considering the Development Plan as a whole and applying the planning balance, despite the principle of development not being supported in this location by policies within the Development Plan, matters of design, landscaping, ecology and net zero carbon are considered to comply with Policies within the Development Plan. These matters are considered to outweigh any non-compliance with the Development Plan and there is considered to be overall compliance with the Development Plan, and relevant parts of the NPPF, as previously set out. The proposal has been recommended for approval on that basis, subject to the signing of a section 106 agreement and conditions.

C.36 With regards to the suggested monitoring contribution, this is not considered necessary to make the development acceptable in accordance with paragraph 57 of the NPPF.

## **D Conclusion**

D.1 Based on the above, the officer recommendation remains one of approval, subject to the conditions listed at the end of this report, a section 106 agreement (for the matters outlined in the report).

D.2 The previous Committee Report now follows:

### **REASON FOR COMMITTEE CONSIDERATION**

The application is brought to Committee at the request of Chairman's Panel.

### **KEY ISSUES**

Principle  
Impact on the character and appearance of the area  
Amenity impact  
Highway safety  
Ecology  
Trees

### **DESCRIPTION OF DEVELOPMENT**

The application proposes a whole life, zero carbon dwelling with detached garage.

The house proposed is whole life zero carbon in terms of its materials and method of construction and will result in a three-bed dwelling, over two storeys in part, the majority being single storey. A garage is also proposed with office above, the office element will be linked to the main dwelling by a bridge.

Extensive landscaping and biodiversity enhancements are also proposed.

### **SITE AND LOCATION**

The site is currently a vacant agricultural field which is surrounded by agricultural land to the south and west



with existing residential development lying to the north, north-east and north-west. The site lies outside of the Swanton Morley Settlement Boundary.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2016/1388/O - Proposed residential development (5 dwellings) - Refused (Appeal dismissed)

**POLICY CONSIDERATIONS**

The following policies of the Breckland Local Plan, 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

COM01	Design
COM03	Protection of Amenity
ENV02	Biodiversity protection and enhancement
ENV06	Trees, Hedgerows and Development
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
HOU02	Level and Location of Growth
HOU03	Development Outside of the Boundaries of Local Service Centres
HOU06	Principle of New Housing
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

**OBLIGATIONS/CIL**

A section 106 agreement is required, as if the Owner cannot achieve the target of the Dwelling becoming a Whole Life Zero Carbon Building within a period of 30 years from the date of its first Occupation, the Owner shall pay to the Council the Carbon Dioxide Offsetting Contribution within 1 month of the 30th anniversary of the first Occupation of the Dwelling (or at the Owner's discretion the Owner can pay the Carbon Dioxide Offsetting Contribution to the Council at an earlier time should it become clear to the Owner that this target cannot be met before the 30th anniversary) and upon the making of such payment of the Carbon Dioxide Offsetting Contribution the Owner shall be released from the requirements of conditions 12 (embodied carbon used) and 13 (Life cycle assessment), of this permission.

**CONSULTATIONS**

### **SWANTON MORLEY PC**

Swanton Morley Parish Council objects to this application as follows:- 1) The application does not comply with Policy 1 of the Swanton Morley Neighbourhood Plan because the site is outside of the defined settlement boundary of the village and does not conform to any of points 1-5 set out in this policy. 2) The application does not comply with Policy HOU 03 of the Breckland Council Local Plan because the site is outside of the defined settlement boundary of the local service centre village of Swanton Morley and does not meet all of the criteria set out in points 1-4 of this policy. 3) The application does not in our view enhance the local environment and therefore does not meet the requirements of Breckland Local Plan Policy ENV 05. The site is currently a green field and for this reason we contend that constructing any dwelling on it will not enhance the site. Furthermore the field is located in an area identified as being of moderate to high landscape sensitivity as defined in the Breckland Settlement Fringe Landscape Assessment. 4) This site has been the subject of a previous application (3PL/2016/1388/O) which was refused and subsequently dismissed on appeal. We would refer you to Appeal ref. APP/F2605/W/17/3176996. The appeal inspector concluded that the site is in an "unsustainable location". The inspector noted "the highway authority's concern over the configuration of the three country lanes which provide the only access to the whole of Woodgate. All three are single track shared surface roads with few effective passing places to serve the sixty or so dwellings of the hamlet" 5) We contend that this proposal is not in accordance with the requirements of para 79 of the NPPF. The applicant refers frequently to para 79 (e) in particular. This comprises two parts. The first part is subjective in how it relates to this application proposal and the second part which it also needs to comply with is not met by this application. We contend that the construction of a dwelling on this green and pleasant field cannot enhance what is already there. Most importantly when considering para 79 (e), we contend that this cannot be defined as an isolated home because it borders other properties on three sides. For all of the reasons set out above we ask that this application is refused.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

You will be aware that this Authority raised highway objections in respect of previous applications to develop this site for 5 dwellings (3PL/2016/1388/O and 3PL/2017/0715/O) on the grounds of the inadequacy of the surrounding road network to cater for the additional movements of 5 dwellings and that the lack of pedestrian provision would encourage the use of the private car.

The site lies outside of the main village settlement in a hamlet served by a network of single track, rural, highways of poor alignment and which lack street lighting, safe pedestrian refuge and adequate passing provision.

This Authority maintains that these factors would prove a deterrent to walking (or even cycling) to local services such as the doctors surgery, school, shops/Post Office and consequently would result in residents being reliant on travelling by car contrary to the aims of the NPPF and Policy 5 of Norfolk's 3rd Local Transport Plan - Connecting Norfolk. In relation to the increase in use of the adjacent road network we consider it would be difficult to substantiate an objection on these grounds now that the proposal has been reduced a single dwelling.

The site is directly accessed via a private track with no public rights over it and, if the LPA are minded to grant approval, in this instance this Authority has no recommended conditions.

### **TREE AND COUNTRYSIDE CONSULTANT**

No objection subject to condition.

### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

The Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited; October 2020) and

Biodiversity Enhancement Scheme (Greenlight Environmental Consultancy Limited; December 2020) submitted in support of this application are fit for purpose. We agree with the precautionary methods of working proposed in the PEA report to mitigate potential impacts on great crested newts and reptiles. There is a potential for impacts on commuting and foraging bats from lighting and we therefore recommend conditioning a lighting plan for the site. We also recommend conditioning an Ecological Management Plan for the site which includes an annual work plan capable of being rolled forward over a five-year period.

No objection, subject to conditions.

**CONTAMINATED LAND OFFICER**

No objection subject to conditions.

**ENVIRONMENTAL HEALTH OFFICERS**

There are no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details.

**HOUSING ENABLING OFFICER**

As the site area is now below 0.5ha, the Affordable Housing Officer has no comments to make, and the previous comments are withdrawn.

**CPRE NORFOLK**

Raises objection as the site fails to meet the 79e tests nor is it compliant with Local Plan policies.

**REPRESENTATIONS**

Site notice erected: 20-01-2021

Initial consultations issued: 19th And 22nd January 2021

Re-consultation issued: 21-05-2021

Representations received from 17 different households raising the following issues/concerns:

- Not an isolated location and therefore not paragraph 80 compliant
- Out of keeping with development in the area
- Outside of settlement boundary and away from services
- Land should remain agricultural
- Highway safety issues due to the single track nature of the road
- Drainage and flooding
- Landscape impact

3 of the 17 were received in support:

- Good example and resource for local children
- Buildings like this should be applauded

**ASSESSMENT NOTES**

**1.0 Principle**

1.1 The site lies outside of the Swanton Morley Settlement Boundary where Policies HOU02 and HOU03 of the Breckland Local Plan (adopted 2019) are relevant and advise:

1.2 Development outside of the boundaries of the Local Service Centres will normally be resisted where the Local Plan housing target (as set in Policy HOU 02 of the Breckland Local Plan) is provided for unless supported by other policies within the Local Plan. Where the Local Plan does not identify sufficient sites to achieve the housing target, then further development will be allowed subject to being supported by relevant policies within the Development Plan and meeting all of the following criteria:

1. It is immediately adjacent to the settlement boundary;
2. It would not lead to the number of dwellings in the settlement significantly exceeding the identified housing target;
3. the design contributes to conserving, and where possible enhancing, the historic nature and connectivity of communities; and
4. the development avoids coalescence of settlements.

1.3 In addition, Policy 1 of the Swanton Morley Neighbourhood Plan seeks to restrict development outside of the settlement boundary.

1.4 It is noted that Swanton Morley has met its housing target and that the site is not immediately adjacent to the settlement boundary and therefore the principle of development would not normally be accepted and that the Neighbourhood Plan restricts development in this location.

1.5 The application was originally proposed as a paragraph 80(e) submission, however, officers did not consider the site was isolated (to be considered under para 80) or that the proposals were truly outstanding given the use of cork as a material used elsewhere, nor was the original siting sensitive to the defining characteristics of the local area. These matters were discussed with the applicants who have now revised the siting of the dwelling. It is considered that the revised scheme has merits, namely, the modern, environmentally friendly approach to the construction of the dwelling (materials and method), the suite of landscaping and ecological enhancements proposed within the application site and the wider site (within the blue line). These are further discussed below. It is considered that these other material planning considerations materially outweigh any harm caused through non-compliance with Policies HOU02 and HOU03 of the Breckland Local Plan (adopted 2019) and Policy 1 of the Swanton Morley Neighbourhood Plan. This is further explained below.

## **2.0 Impact on the character and appearance of the area**

2.1 Policies GEN02 and COM01 of the Breckland Local Plan and Policy 12 of the Neighbourhood Plan requires all new development to achieve the highest standard of design. As part of this, all design proposals must preserve or enhance the existing character of an area. Consideration will also be given to the density of buildings in a particular area and the landscape/townscape effect of any increased density.

2.2 The original proposal placed the dwelling to the rear, southern end of the site. Following discussions, it was considered that this did not have due regard to the pattern of development locally and the dwelling was re-positioned to the northern end of the site and will follow a similar building line of the dwelling to the north-east (Frogshall Barn).

2.3 The set back position, relatively modest proportions and extensive landscaping and vegetation (both existing and proposed) will help to screen the development, therefore ensuring that the development will not be over dominant in the street scene.

2.4 It is accepted that the design of the dwelling is different to the surrounding development types. However the following factors are considered to be positives:

- The use of cork (low embodied CO2 material) and red cedar shakes, renewable materials and green roof system.
- Zero waste nature of the whole build (each of the component layers of the dwelling are renewable and easily recyclable)
- The modest and stepped proportions of the dwelling - most of which will be single storey and adds interest.
- The well considered siting of the dwelling. As stated above, better placed to relate to the siting of existing development but also with good distancing and screening to ensure that the proposal will have a limited impact on the wider streetscene.

2.5 All the above measures could be the subject of suitably worded planning conditions.

Paragraph 2 of the NPPF and Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Obviously, the NPPF is a significant material planning consideration in the determination of planning applications. Paragraph 2, also requires consideration of any other material considerations. With regards to this development, these are considered to be the design/construction of the proposals, the proposed extensive landscaping and habitat creation and the proposed education principles. Paragraph 154 for the NPPF states:

2.6 *'When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

2.7 Paragraph 131 of the NPPF states:

*'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*

2.8 Policy GEN02 states 'Innovative and contemporary design where it enhances sustainability will be encouraged and promoted across the District' and Policy COM01(c) states new development should 'Incorporates sustainable design and durable construction, observing best practice in energy efficiency and climate change mitigation, and is accessible and adaptable to different activities and land uses and the changing needs of all, including disabled and older people; and (d) 'Consists of high quality details and materials that respects or improves local character', as well as supporting good quality landscaping and high standards of accommodation (f and i), amongst others points, which are covered below. Policy 12 (6, 8 and 10) of the Neighbourhood Plan also seek to incorporate adequate landscaping, with this being an integral part of a scheme and incorporate methods of energy generation and conservation in all new builds. As already stated the proposal is considered interesting and of particular design/construction merit (despite not meeting the extremely high bar set by paragraph 80(e)), as well as incorporating proposals for reduction of carbon, significant landscape and ecology enhancements, which are welcomed. The proposal is for one dwelling so would not make a significant contribution to local housing requirements, especially in light that the Council can demonstrate a five year housing land supply.

2.9 Overall, it is not considered that the proposal satisfies the requirements of Policy HOU02 and HOU03 of the Breckland Local Plan (Adopted 2019) or Paragraph 80(e) of the NPPF (2021). However, the other

material planning considerations set out above are considered to outweigh the policy presumption for refusal of planning permission and any harm caused by the location of the development and in light of the requirements of paragraphs 131, 154 of the NPPF, Policies GEN02 and COM01 of the Breckland Local Plan (Adopted 2019) and Policy 12 (6, 8 and 10) of the Neighbourhood Plan, the proposal is recommended for approval on this basis.

### **3.0 Amenity impact**

3.1 Policy COM03 of the Local Plan and Policy 12 of the Neighbourhood Plan seeks to protect residential amenity and that all new development must have regard to amenity considerations and states that development will not be permitted where there are unacceptable effects on the amenity of neighbouring residents and future occupants, including providing sufficient external amenity space, refuse and recycling facilities.

3.2 As already stated, the proposed development is sited in an already well-screened site. The dwelling will also be placed with ample separation distances between each of the adjoining side boundaries and therefore neighbouring dwellings. Again, the dwelling is relatively modest in terms of its scale and will provide the occupants with a good amount of private amenity space for use, as well as storage for refuse and recycling. As a result, the proposal has due regard to Policy COM03 of the Breckland Local Plan (adopted 2019).

### **4.0 Highway safety**

4.1 Policies COM01, TR02 of the Local Plan seeks to ensure that all access and safety concerns are resolved in new developments. Policy HOU06 of the Breckland Local Plan (adopted 2019) requires sufficient parking for all new development. Policy 13 of the Neighbourhood Plan also requires sufficient parking for all new development. Paragraphs 108 and 109 of the NPPF are also relevant.

4.2 A single point of access is proposed to the north-west of the site frontage and ample parking and turning is provided. The Highways Officer advised that their Authority raised 'highway objections in respect of previous applications to develop this site for 5 dwellings (3PL/2016/1388/O and 3PL/2017/0715/O) on the grounds of the inadequacy of the surrounding road network to cater for the additional movements of 5 dwellings and that the lack of pedestrian provision would encourage the use of the private car.

4.3 The site lies outside of the main village settlement in a hamlet served by a network of single track, rural highways of poor alignment and which lack street lighting, safe pedestrian refuge and adequate passing provision.

4.4 The Highways Authority maintains that these factors would prove a deterrent to walking (or even cycling) to local services such as the doctors surgery, school, shops/Post Office and consequently would result in residents being reliant on travelling by car contrary to the aims of the NPPF and Policy 5 of Norfolk's 3rd Local Transport Plan - Connecting Norfolk.

4.5 In relation to the increase in use of the adjacent road network it is considered difficult to substantiate an objection on these grounds now that the proposal has been reduced a single dwelling.

4.6 The site is directly accessed via a private track with no public rights over it and, if the Local Planning Authority are minded to grant approval, in this instance the Highway Authority has no recommended conditions'.

4.7 The Highways Authority comments are noted with regards to the sustainability of the location for a

dwelling. This is also evidenced in the non compliance with Policies HOU02 and HOU03 of the Breckland Local Plan (adopted 2019), as set out above. However, as also set out above it is considered that there are other material planning considerations which weigh heavily in favour of this application, namely the construction method(s) of the dwelling, the landscaping and ecology credentials, which can be secured via suitably worded planning conditions. The Highways Authority raises no objections to a dwelling in this location in terms of highways safety or impact and on that basis the proposal is considered to accord with Policies TR01 and TR02 of the Breckland Local Plan (adopted 2019).

## **5.0 Ecological implications**

5.1 Policy ENV02 of the Breckland Local Plan (adopted) and Policy 12 of the Neighbourhood Plan seeks the enhancement of biodiversity and geodiversity in the district. Proposals need to ensure that the ecological network and protected species are not harmed or detrimentally impacted and mitigation measures are put in place where appropriate.

5.2 As stated, the proposed landscape and ecological enhancements proposed as part of the development proposal are considered significant and help toward the positive recommendation. The enhancements proposed are:

- Re-instatement of a former marl pit with some of the seeds used to re-seed the new ponds proposed (x3).
- Natural woodland regeneration areas.
- Newly proposed hedgerow on the western boundary to act as a buffer between the track and woodland.
- Regenerated mown wild flower meadow
- Area of natural wild flower regeneration (left unmown)
- Hibernaculas - to create habitat for reptiles and amphibians
- Log piles
- Bird and bat boxes in select mature trees
- Woodland clearing area
- Native hedgerow to the eastern boundary
- Proposed orchard planting.

5.3 The ecology team advised that the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited; May 2021) and Biodiversity Enhancement Strategy (Greenlight Environmental Consultancy Limited; May 2021) submitted in support of this application are fit for purpose. They agreed with the precautionary methods of working proposed in the PEA report to mitigate potential impacts on great crested newts and reptiles. There is a potential for impacts on commuting and foraging bats from lighting and a lighting plan for the site should be conditioned.

5.4 On this basis the proposal is considered to accord with Policy ENV02 of the Breckland Local Plan (adopted 2019).

## **6.0 Trees**

6.1 Policy ENV06 of the Breckland Local Plan (adopted 2019) and Policy 12 of the Neighbourhood Plan seeks to preserve the District's trees, hedgerows and other natural features and secure appropriate landscaping schemes to mitigate the impact of, and complement, new development.

6.2 The proposal seeks to retain and enhance trees and hedgerows within the site, as a result, the Tree Officer raises no objection to the scheme.

6.3 On this basis the proposal is considered to accord with Policy ENV06 of the Breckland Local Plan

(adopted 2019).

## **7.0 Other issues**

7.1 The Council's Contaminated Land Officer has reviewed the proposals and has raised no objection, on this basis and subject to appropriately worded conditions the development is acceptable in relation to contamination and compiled with Policy COM03 of the Breckland Local Plan.

7.2 In terms of the representations made, these are largely addressed above within the main report.

7.3 In respect of the garden scheme proposal and impact this could have on the number of visitors to the site, a condition has been drafted which proposes a maximum of 2 visits per year comprising of a single mini bus each time.

7.4 In terms of the drainage and flooding, the site is not defined as being at any direct risk when assessed against the Environment Agency flooding maps and adequate drainage, both foul and surface water would be fully assessed at the Building Regulation stages. However the application proposes a combination of permeable hard surfaces, water butts and green roofs alleviate the risk of surface water flooding though localised drainage rather than runoff and rain water attenuation. The 3 new ponds and one re-instated pond on the site will also be able to catch natural overland and subterranean flow.

7.5 Comments have also been made in respect of meetings being held to discuss the merits of the application. This is a standard course of action when assessing/negotiating an application. The application has been heard at the Chairman's Panel and it was decided the application should be heard at planning committee.

## **8.0 Conclusion**

8.1 In terms of the overall planning balance of the scheme, the proposal is not considered to meet the requirements of Paragraph 80(e) of the NPPF (2021).

8.2 The proposal is not located immediately adjacent to the settlement boundary of Swanton Morley and is therefore considered contrary to Policies HOU02 and HOU03 of the Breckland Local Plan (adopted 2019) and Policy 1 of the Swanton Morley Neighbourhood Plan, and is not considered sustainable development.

8.3 However, it is considered that there are other material planning considerations, namely the design/construction of the proposals, the proposed extensive landscaping and habitat creation and the proposed education principles, which accord with paragraphs 131, 154 of the NPPF, Policies GEN02 and COM01 of the Breckland Local Plan (Adopted 2019) and Policy 12 (6, 8 and 10) of the Neighbourhood Plan, which are considered to outweigh the policy presumption for refusal of planning permission and any harm caused by the location of the development.

8.4 The application is therefore recommended for approval, contrary to policy, based on the other significant material planning considerations identified. This recommendation is made, subject to planning conditions and a legal agreement requiring monies to be paid in the event the proposal fails to become a Whole Life Zero Carbon Building within a period of 30 years from the date of its first Occupation.

**RECOMMENDATION**



The application is recommended for approval, subject to the signing of a section 106 agreement and conditions.

<b>CONDITIONS</b>
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- 1 Full permission 3 year time limit**

The development hereby permitted shall be begun before the expiration of THREE YEARS from the date of this permission.

Reason for condition:-  
To comply with section 91 of the Town & Country Planning Act 1990 (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, in accordance with Policy COM01 of the Breckland Local Plan (adopted 2019).
- 3 External materials as approved**

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.

Reason for condition:-  
To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by Policies COM3, GEN2 and COM1 of the Breckland Local Plan (adopted 2019).
- 4 Access, parking and turning area**

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 areas, in the interests of satisfactory development and highway safety in accordance with Policies COM01, HOU06, TR01 and TR02 of the Breckland Local Plan (adopted 2019) and Policy 13 of the Swanton Morley Neighbourhood Plan.
- 5 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, C, D 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 in writing 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 COM3 of the Breckland Local Plan (adopted 2019).
- 6 Ecology - lighting**

Prior to first occupation, a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example foraging; and  
(b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding sites, resting places or feeding areas.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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 ENV02 of the Breckland Local Plan (adopted 2019) and Section 15 of the National Planning Policy Framework (2021).

**This condition will require to be discharged**

**7**

### **Ecology - enhancements**

The proposed development shall proceed in accordance with the recommendations outlined in section 6 of the Preliminary Ecological Appraisal (Greenlight Environmental Consultancy Limited; May 2021), the Biodiversity Enhancement Strategy (Greenlight Environmental Consultancy Limited; May 2021) and the Landscaping and Ecological Enhancement Plan (Drawing number 1100, Rev F).

Reason for condition:-

To ensure the development is not detrimental to Protected Species and in order to protect and enhance the wildlife value of the site in accordance with Policy ENV02 of the Breckland Local Plan (adopted 2019) and Section 15 of the National Planning Policy Framework (2021).

**This condition will require to be discharged**

**8**

### **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 Section 15 of the National Planning Policy Framework.

**9**

### **Fencing protection for existing trees**

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 Greenlight dated 18th May 2021. 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. Works shall not commence until written confirmation has been obtained from the appointed arboriculturalist to confirm that tree protection is in place as specified. 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.

Reason for condition:-

The works are required to be undertaken prior to the commencement of work on the site in order to safeguard the protection of trees from the outset of the development, in accordance with Policy ENV06 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

10

**Strategy for educational and science**

No work on site shall take place unless or until a strategy to make the site available for educational and scientific purposes has been submitted to and approved in writing by the Local Planning Authority, the strategy shall include:

(a) Details of how the Development project will be publicised and made available by the Owner during both the construction phase and the operational phase of the Development for visits by:

- (i) local species recorders, including but not limited to the Norfolk Ponds Project
- (ii) primary and secondary education establishments within the local area
- (iii) students of disciplines at further or higher education levels, including but not limited to the disciplines of architecture, construction, landscape and ecology.

(b) Details of a website which will be set up for the Development project during the construction phase of the Development and which will include details on the:

- (i) Design of the Dwelling and the landscape
- (ii) Ongoing construction of the Dwelling
- (iii) Landscape and ecology on the Site

(c) The entrance of the Dwelling and its gardens into the National Open Garden Scheme or any alternative scheme for a minimum of 5 years.

(d) The manner in which the availability of the site for educational and scientific purposes shall be publicised by the Owner.

A maximum number of 2 visits per year for a period of 5 years - no more than one minibus per visit.

The approved strategy shall be implemented throughout the lifetime of the development, unless otherwise first agreed in writing by the Local Planning Authority.

Reason for condition:-

Details are required prior to commencement of development to promote and encourage high levels of sustainability, raise standards of design and observing best practice in energy efficiency and climate change mitigation, in accordance with Paragraph 134 of the NPPF and Policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**11 Landscape and ecological plan**

Prior to the first occupation of the development hereby approved, the Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented as agreed and will set out how the landscape and ecology features on the site and within the blue land, as shown on the submitted location plan submitted on 21-05-21 will be maintained and monitored for a period of 30 years.

Annual reviews of the Landscape and Ecological Management Plan shall be undertaken (until such time as the 30 year period for the Landscape and Ecological Management Plan referred to expires) to ensure the aims and objectives of the Landscape and Ecological Management Plan are being met, and the results of these reviews shall be made available to the Local Planning Authority upon request.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019) and to ensure the ecological and biodiversity benefits of the scheme are appropriate, having due regard to Policy ENV02 of the Breckland Local Plan (adopted 2019) .

**This condition will require to be discharged**

**12 Life Cycle Assessment**

Prior to the design phase estimation of carbon usage, a "Life Cycle Assessment" which shall comprise a report demonstrating compliance shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the conclusions of the report, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

Details are required prior to commencement of development to promote and encourage high levels of sustainability, raise standards of design and observing best practice in energy efficiency and climate change mitigation, in accordance with Paragraph 134 of the NPPF and Policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**13 Carbon/Zero Life reporting**

Within 12 months of the first occupation of the dwelling hereby approved, a report demonstrating the embodied carbon used in the construction of the dwelling shall be submitted to and approved by the Local Planning Authority; and a report every 5 years from the date of first occupation to demonstrate the actual number of carbon used by the dwelling based on operational energy measured and maintenance carbon, including measuring how much carbon offsetting has been taking place.

Reason for condition:-

Details are required prior to commencement of development to promote and encourage high levels of sustainability, raise standards of design and observing best practice in energy efficiency and climate change mitigation, in accordance with Paragraph 134 of the NPPF and Policies GEN02 and COM01 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**16 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.