

AGENDA ITEM NO: 9/2(i)

Parish:	Stanhoe	
Proposal:	Demolition of existing dwelling and replacement with a new dwelling	
Location:	Station Farm Cottage Station Road Stanhoe King's Lynn	
Applicant:	Mr And Mrs D Miller	
Case No:	16/01226/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 1 September 2016

Reason for Referral to Planning Committee – Previous Appeal History.

Case Summary

The application site comprises a two storey detached cottage situated on the eastern side of Station Road, Stanhoe.

The site lies within the Countryside.

Full planning permission is sought for the construction of a replacement dwelling and detached garage.

Key Issues

Planning history;
Principle of development;
Impact upon the existing house as a non-designated heritage asset;
Impact upon form and character of the surrounding area;
Ecology; and
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site comprises a detached two storey cottage situated on the eastern side of Station Road, Stanhoe. A paddock lies to the south of the residential curtilage which is in the ownership of the applicant.

Full planning permission is sought for the construction of a replacement two storey dwelling and detached double garage.

The replacement dwelling is proposed to be positioned further back within the site than the existing dwelling. The proposed garage is shown to be located to the rear of the proposed dwelling.

The proposed dwelling has a footprint of approximately 113 metres square compared to the existing dwelling which has a footprint of 82.11 metres square.

The dwelling has been designed using traditional forms and materials, including brick dressings and plinth with flint / chalk mix to the front and side facades.

The existing dwelling does not benefit from on-site parking. It is proposed to provide access to the north of the site frontage and parking and turning to the rear of the new dwelling.

Planning permission was refused in April 2015 by the Planning Committee, for demolition of the existing house and construction of a replacement house and garage. The decision was appealed and dismissed in February 2016. These decisions are a material consideration in the determination of any subsequent application for similar development on the site.

SUPPORTING CASE

This second application for a replacement dwelling is prepared as a result of Refusal of the previous application and subsequent dismissal of an Appeal following on that refusal.

It takes into account the Appeal Decision Notice from the Planning Inspectorate in the Appeal Decision by P Eggleton BSc (Hons) MRTPI – Reference: APP/V2635/W/15/3130537.

In his commentary and indeed his conclusions the Inspector concluded that the existing dwelling represents a Non Designated Heritage Asset although its significance is limited and that there would be some harm as a result of its loss but this would also be limited.

In the context of the loss of this building he made observations on the provision of a new dwelling which would bring sustainability benefits and address the concerns regarding the removal of the bat roost.

He also concluded that the design concerns he had, in particular with the rear two-storey section would add to the harm with the loss of this building, particularly in conflict with Policy CS12 which seeks to avoid, mitigate or compensate adverse effects on Heritage.

The application now being made seeks to address these issues on the basis of reduction in size, change of materials and consequent change in character reflecting what the Inspector called the high quality of design of the front section.

In addition consultations with the Planning Department have resulted in adjustments by discussion which now mitigate the Inspectors concerns and produce a wholly consistent quality of design for the dwelling which sits far more sympathetically both in scale, style, character and format with the rest of the Countryside and as a suitable replacement for the existing Cottage.

Occupation of the Cottage is very limited at present because of the issues of habitability particularly in the winter time.

The re-siting of the house and the consequent design response to the Inspectors observations and conclusions now result in a house which is less prominent at the road side

presenting a similar street scene to the current dwelling but, further to the rear providing scope for vehicular access off the roadside which presently does not exist.

The new house has a footprint of 113m² with an overall floor area of 226m² which comes within the bounds of the ability to develop the existing house and is therefore not an increase in the overall potential of scale and scope for the present house and indeed has less impact on the public part of the landscape than would the extension of the existing house.

The Heritage Statement prepared previously was included in the last application and is included here but the scope of the Heritage Statement has been commented upon and is overridden by the Planning Inspectors comments with regard to viability, sustainability and the limited damage loss of this asset.

The house was bought with the intention of extending and modernising but subsequent structural and condition reports (submitted with application) have indicated that the extent of the work in upgrading is such that the house could not be occupied whilst the work was undertaken. The conclusion is that demolition and reconstruction is the most appropriate course of action due to the condition.

The roof requires stripping and re-raftering, including undersized and poor timbers, new First Floor ceilings, new First Floor (undersized and woodworm damaged) replacement Ground Floor (damp), underpinning (no foundations), rebuilding wall section from cracking and several replacement windows, both timber and UPVC that exist.

The building does not benefit from any original features internally and as it stands requires full new electrical installation coupled with full central heating system as the building benefits from none currently. Similarly new kitchen and sanitary ware are required.

The tall wall to the North, being 2.85 metres high and significant and mature tree belt planting to the east and south and an established and tall hedging to the west will be reinforced by the new wall and planting in the gap in front of the present house.

The garage comprises of a double garage. The structure has been designed in order to provide accommodation for flying and roosting space for long eared and pipistrelle bats, which have been noted in small numbers upon the bat survey undertaken in/around the existing building. Bat boxes will also be provided, in line with guidance by English Nature and report.

Materials are proposed in Bovingdon Multi-Red brick, which is a brick often used in the North Norfolk countryside as being one which fits the traditional style, with flint and chalk, and with roofs being Pottelberg Victorian mottled weathered effect clay pantiles, windows will be timber framed painted (duck egg blue), bi-fold doors will be stove enamelled thin aluminium framed windows.

PLANNING HISTORY

14/00989/F: Application Refused (Committee): 05/11/14 - Demolition of dilapidated existing dwelling and replacement with new dwelling - Station Farm Cottage, Station Road, Stanhoe.

15/00218/F: Application Refused (Committee): 29/04/15 - Demolition of existing dwelling and replacement with a new dwelling - Station Farm Cottage Station Road Stanhoe – Appeal Dismissed 06/02/16.

RESPONSE TO CONSULTATION

Parish Council: The Council does not feel it can object to the latest proposal notwithstanding several misgivings with regard to earlier events. Accordingly the Council supports the referenced application with several provisos including:

- That following completion, the hedges and other vegetation are reinstated to maintain the rural nature of the site;
- That the development is strictly confined to the 'non-agricultural' land as specified;
- That it is clear that no further development of any of the site either on or off the agricultural land will be permitted; and
- That all efforts are made to minimise disruption to the area and the other residents of the 'hamlet'.

Highways Authority: NO OBJECTION conditionally.

Environmental Health & Housing – Environmental Quality: NO OBJECTION conditionally (re: asbestos).

Historic Environment Service: NO OBJECTION subject to conditions.

REPRESENTATIONS

FIVE representations have been submitted relating to the proposed development, two of which are **NEUTRAL** and three **OBJECT**. The concerns and comments made include the following:

- The cottage could be renovated and extended;
- Applicant claims that renovations would be uneconomical;
- Cost of demolition, rebuild would be very high;
- Demolition would result in the loss of a Heritage Asset;
- Hedge removed which defined the garden and the meadow;
- Meadow is not extended garden;
- The extent of the garden is only to the Walnut Tree and to the belt of trees to the far east;
- The garage would therefore be located on agricultural land;
- No provision has been made for change of use of that part of agricultural land to residential;
- The garage is too close to the northern boundary wall and will prevent access for maintenance of the wall;
- The narrow gap between the wall and garage will prevent the neighbouring land owner using the Right of Way;
- The boundary line has been changed and is incorrect;
- The neighbours wall has been drilled into and things affixed too;
- Is the existing house going to be demolished before or after the construction of the new dwelling?
- The only path for construction traffic may be across the meadow;
- Impact on the meadow;
- The residential curtilage appears to encroach onto the meadow to the south when compared to the original ancient field boundary;
- Incorrect information within the D&S such as the site being referred to as Station Farmhouse when in fact its Station Farm Cottage;
- The revised house layout footprint would appear to be unchanged;

- The design would seem to readily accommodate a later change to fulfil the scope of the original plan;
- Holiday home;

Third Party representatives have requested that the following conditions are applied to the decision if approved:-

- The removal of householder PD rights;
- The provision of a sample panel of materials to be agreed;
- Details of the positioning and species of a replacement indigenous hedgerow to the southern boundary to be agreed and retained;
- Any construction access utilising the paddock to the south shall be fully reinstated to its former condition to be agreed by the LPA;
- An informative clarifying that the land in the applicant's ownership as outlined in blue on the submitted plans is for agricultural use only.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS01 - Spatial Strategy

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM5 – Enlargement or Replacement of Dwellings in the Countryside

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:-

- Planning history;
- Principle of development;
- Impact upon the existing house as a non-designated heritage asset;
- Impact upon form and character of the surrounding area;
- Ecology; and

- Other material considerations

Planning History

The original application (ref: 14/00989/F) for a replacement dwelling and garage was recommended for approval by the case officer but overturned at Planning Committee and refused on the 3rd November 2014. It was refused on two grounds:-

1. The existing dwelling was considered to be a Non-Designated Heritage Asset (NDHA); and
2. The size and design of the replacement dwelling did not reflect the scale and character of its surroundings.

The applicant re-submitted a revised scheme (ref: 15/00218/F) with an accompanying Heritage Statement and a Conditions and Repairs Report. This was subsequently refused at Planning Committee on the 27th April 2015 for the following reasons:-

- 1 The existing dwelling, by virtue of its age, has been identified as a non-designated heritage asset (NDHA) as described in section 12: Conserving and enhancing the historic environment, of the NPPF. The loss of the non-designated heritage asset and its significance would be detrimental to local distinctiveness and the inherent quality of the environment, contrary to paragraph 135 of the NPPF and Core Strategy Policy CS12: Environmental Assets.
- 2 The size and design of the replacement dwelling does not reflect the scale and character of its surroundings and does not preserve the appearance of the street scene or the area in which it sits. Consequently the proposed development is contrary to Section 7: Requiring Good Design, of the NPPF, Core Strategy Policy CS08: Sustainable Development and emerging Development Management Policy DM 5 – Enlargement or Replacement of Dwellings in the Countryside.
- 3 The proposal would result in the loss of roosting space for Common Pipistrelle and Long-eared bats, which are a protected species under the Conservation of Habitats and Species Regulations 2010. Given that the design of the replacement dwelling causes harm to the character of the area in which it sits then the proposal is not in the wider public interest and fails the tests of derogation that must be applied under the Conservation of Habitats and Species Regulations 2010. The impact of the proposal upon European protected species is therefore unacceptable and the application is contrary to Section 11 of the NPPF and policy CS12 of the Core Strategy.

Appeal

The decision was appealed and dismissed by the Planning Inspector on the 6th February 2016. The Inspector considered each reason for refusal in turn, making the following comments:-

Significance of the building to be demolished

“The house has some significance because of its age. It also has an important relationship with the neighbouring farm buildings which appear to be depicted on the extract from a plan described as being from an 1896 lease”.

The Inspector agreed that the simple form and distinctive materials of the original house, despite the alterations, ensure that it complements its setting. He found the combination of

the age of the building, its aesthetic contribution to the landscape and the value of this group of building, indicates that it should be considered as a Non-Designed Heritage Asset (NDHA).

However, the Inspector concluded that “given the scale of the alterations and additions and the poor quality and condition of its remaining features, together with the numbers of other buildings in the wider area that appear to have retained more of their original character and identity, he agreed with the appellant that the significance of this NDHA is limited. There would be some harm as a result of its loss but this would also be limited”.

The effect on the character and appearance of the area

The Inspector recognised that the front elevation of the proposed dwelling had been designed to reflect the local vernacular in terms of its form and materials and would therefore be appropriate to its setting.

However the Inspector felt that when approaching the site from the south the proposed dwelling would appear overly dominant and intrusive because of the scale of the rear projection. It was also considered that the design of the rear element would not reflect the more traditional style of the frontage and would add to the overall prominence of the building.

“The garage would add to the perceived scale of in-depth development. The dwelling would appear to be cramped within its plot”.

To conclude, the Inspector states that notwithstanding the high quality design of the frontage of the proposed dwelling and it being in keeping with the positive aspects of the dwelling to be replaced, the substantial depth of the house, at two storey height, and the additional depth of the garage, would result in the built form being overly dominant, detracting from the character and appearance of the area.

The effect on biodiversity

The Inspector states that “The Council previously accepted (ref: 14/00989/F) that the provision of a new dwelling would satisfy the requirements of the Regulations (Conservation of Habitats and Species Regulations 2010) as it would help to retain a residential use of the site, thus helping to address housing need. This represents an imperative reason of a social nature”.

The Inspector concluded that the concern with regard to the character and appearance of the area does not alter this position and the mitigation measures proposed would satisfy the Regulations and would ensure that unacceptable harm to protected species would be avoided.

Other matters

The Inspector acknowledged the potential for landscaping to help screen the dwelling but also enhance both the appearance of the site and the biodiversity of the immediate area.

It was considered that the extent and costs of works to reinstate the existing house illustrated poor viability and offer support for the principle of a replacement dwelling.

Overall the Inspector concluded that whilst there would be some harm as a result of the loss of the NDHA, this would be limited. However, the design of the dwelling, by way of its two storey extension, would appear cramped within its plot, would relate poorly to neighbouring buildings and detract from the character and appearance of the area.

The provision of a new dwelling would bring a number of sustainability benefits and address the concerns with regards to the bat roost.

Although the Inspector felt the harm from the loss of the heritage asset would be limited, the design concerns in the appealed scheme were considered to add to this harm.

The current application before the Committee is a re-submission of the appealed application (ref: 15/00218/F) hoping to address the three reasons for refusal having taken into account the Inspectors comments within the appeal decision.

The Appeal decision made by the Inspector is a material consideration in the determination of this application.

Principle of Development

The site lies within the countryside where policies are restrictive. Locally, Core Strategy Policy CS06 states that the countryside should be protected for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all.

Emerging Development Management Policy DM5 supports replacement dwellings in the countryside where the design is of high quality and will preserve the character or appearance of the street scene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenities of the area or neighbouring properties will be refused.

The principle of a replacement dwelling is therefore acceptable.

Impact upon Existing House as a Heritage Asset

The first reason for refusal on the previous decision (15/00218/F) related to the existing dwelling being identified as a NDHA and the significance of its loss as set above, contrary to paragraph 135 of the NPPF.

Notwithstanding the claims made by the applicant that the dwelling had already undergone unsympathetic changes and was in need of significant repair and renovation works limiting its significance, the Historic Environment Service maintained their opinion that the dwelling was a NDHA.

Within the appeal decision, the Inspector made comment upon the fact that the Historic Environment Service expressed a desire for the retention of the existing dwelling given its age but its significance was not commented upon.

As explained above in this report, whilst the Planning Inspector agreed that the existing dwelling represents a NDHA and there would be some harm as a result of its loss, this would be limited. It was the design faults with the rear element of the replacement dwelling which added to this harm and on balance would cause harm to the character and appearance of the area.

Paragraph 135 of the NPPF states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

On this basis, it is the case officer's opinion that on interpretation of the appeal decision, if the design and scale of the dwelling, particularly the two storey rear projection, is more in keeping with the traditional form of the existing dwelling and has regard for the character and distinctiveness of the area, the benefit of a sustainable replacement dwelling would outweigh the loss of the Asset, in accordance with paragraph 135 of the NPPF and CS12.

The Historic Environment Service raised no objection to the current application subject to conditions being imposed relating to archaeological work and building recording.

Impact upon Form and Character

The second reason for refusal on the previous decision (15/00218/F) related to scale and design of the replacement dwelling, as set out above.

Policy CS08 was cited in support of the reason for refusal and states new development will be required to demonstrate how it protects and enhances the historic environment as well as how it responds to its context and the character of the area by ensuring that the scale, design, density, layout and access will enhance the quality of the environment. Emerging policy DM5 was also referred to and states that replacement dwellings in the countryside will be permitted where the design is of a high quality and will preserve the character or appearance of the street scene or area in which it sits.

As discussed above in the report, the Planning Inspector recognised that the frontage of the replacement dwelling was reflective of local building style and materials but because of the two storey addition to the rear it would appear cramped within its plot, would relate poorly to the neighbouring buildings and would detract from the character and appearance of the area.

The Inspector felt that the position of the proposed garage to the rear of the replacement dwelling contributed to the development being cramped.

The scale and design of the replacement dwelling and the position of the garage has been altered in response to the previous Committee decision and the Inspectors comments within the appeal decision.

The width of the main part of the replacement dwelling has been reduced by 600mm and the depth of the two storey rear projection has been reduced by 3.6. There is an additional 2m depth at ground floor level creating a single storey element to the rear.

The materials and fenestration proportions of the two storey rear projection are now more traditional in form and appearance and reflect those of the front elevation and of other buildings within the vicinity, particularly that to the first floor southern elevation where views are more prominent.

The fenestration at ground floor level and eastern (rear) elevation of the rear projection are larger and not necessary strictly 'cottage style' but these will not be overly visible, if at all, within the public domain. On balance it is not considered that they will cause detrimental harm to the character of the replacement dwelling or to the setting of the area.

The proposed garage remains to the rear of the replacement dwelling, however it has been reduced in size, from a triple to a double and has been moved further back within the site to create more separation distance between that and the dwelling. This will help reduce the appearance of cramped development within the plot. The roof configuration has also been amended from that within the previous scheme; it is now a traditional dual pitched roof rather than having hip-ends.

When looking at historic aerial images it is acknowledged that the garage is now located within what was once agricultural land and not originally part of the established residential curtilage of the cottage. However, the land has clearly changed character over time, becoming more integrated into the residential garden curtilage since the removal of a belt of trees. Furthermore, the red line for the application includes this parcel of land and has done so in each of the previous applications, therefore it would be unreasonable to insist on relocating the garage and restricting the inclusion of this piece of land within the curtilage.

The inclusion of this parcel of land aids the separation distance between the garage and the replacement garage, thus helping to minimise any cramped form of development. It is not considered that by including this land within the residential curtilage would cause any significant harm to the form and character of the countryside or to the setting of this site.

The paddock to the south of the site is outlined as blue land and therefore does not form part of the residential curtilage of the site.

It is your officer's opinion that the applicant has adequately addressed the second reason for refusal with regards to scale and design of the replacement dwelling and the proposal therefore accords with section 7 of the NPPF, policies CS06, CS08 and DM5.

Ecology

The application is the subject of a bat and owl survey given the nature and age of the property proposed to be demolished. The existing building and site was surveyed fully twice before the previous application (15/00218/F) and there has since been updated surveys (Emerging: 3/08/16, 23/08/16 and Final: 14/09/16) for the purposes of the current application.

In the original surveys there were 2 common pipistrelle bats and one long-eared bat found roosting beneath the roof tiles and in the eaves of the existing dwelling. In the updated survey a small number of fresh brown long eared droppings were noted in the loft of the house, suggesting continued but low level use in the 2 years since the previous survey. The same number of each of the bat species continues to roost under the tiles of the existing property.

Mitigation measures have been recommended in the report such as providing roosting boxes within the new dwelling, garage and on trees in close proximity to the property. It is also recommended that there will be provision of a void within the roof of the garage.

6 wooden Kent boxes are proposed on two trees within the grounds and these boxes should be erected prior to the development commencing so that there is somewhere to place any bats that might be discovered as part of the demolition works.

No evidence of barn owl or breeding birds was noted.

As the demolition of the property will remove roosting sites for the bats, the works will need to be subject to an EPS bat licence. This is issued by Natural England and can only be applied for once planning permission has been granted.

In April 2015, Natural England launched a new Class Licence. This allows for low impact works on common bat species. Philip Parker Associates (carried out the Surveys) is a registered consultant to work under this licence.

Over the course of the 2014 and 2016 surveys, up to 6 separate bat roosting sites have been recorded, albeit under separate tiles in 2 separate structures. This may therefore fall

outside the remit of the new Class Licence (up to three roosting sites only) but this will be checked with Natural England if planning permission is granted. If outside the remit, a full EPS licence will be required.

The Conservation of Habitats and Species Regulations 2010 prohibits 'the deliberate capturing, killing or disturbance and against the damage or destruction of a resting place of a European protect Species' unless three tests can be met. The tests are that:

1. There are imperative reasons of overriding public interests why the operation should be carried out;
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of species.

The third reason for refusal on the previous decision related to the impact on protected species. It was considered that given that the replacement house did not maintain the local character and high quality environment, in accordance with CS06, it could not pass the first test within the Conservation of Habitats and Species Regulations 2010. The impact of the proposal upon protected species was therefore deemed to be unacceptable as the standing advice is clear that all three tests must be met

The applicant has amended the design of the property in response to the previous decision and this is a material consideration under these circumstances. As laid out above in the report, it is felt that the scale and design concerns have been sufficiently addressed and therefore the third reason for refusal can be subsequently addressed. Taking each test in turn:-

1) Public Interest:

Natural England's guidance advises that 'Imperative Reasons of Overriding Public Interest' include developments that are required to meet or provide a contribution to meeting a specific need such as:

Complying with planning policies and guidance at a national and local level. The Local Development Framework shows a need for building housing in the borough over its fifteen year life (2011-2026) and the replacement dwelling would help retain a residential use at the site thus helping to address this need. Furthermore development which maintains local character and a high quality environment complies with Core Strategy Policy CS06.

2) Alternatives:

In relation to the second test, the Local Planning Authority is satisfied that there are no satisfactory alternatives; the continued degradation of the existing dwelling would ultimately be of detriment to the area or would require significant repairs and would result in the loss of a habitat.

3) Impact:

In relation to the third test, whilst there would be some limited short-term impact on protected species (mitigated by proposals outlined in the Ecology Survey), the long-term outlook is improved by the proposed replacement as without the replacement the building could remain unused and fall into further disrepair with the potential loss of the protected species roosts altogether.

In summary, your case officer concludes that the granting of planning permission would be in accordance with Natural England's guidance in relation to the Habitats Regulations 2010, section 11 of the NPPF and CS12.

Other Material Considerations

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

Parish Council and Third Party Representations

With regards to the Parish Council's and third party concerns / representations, most of which have been addressed above in the main body of the report, consideration will be given to the remainder as follows:-

- It is now proposed to demolish the existing dwelling prior to the construction of the replacement dwelling. This will enable construction traffic to enter from the site frontage and not from the paddock entrance. A condition will be imposed requesting a construction management plan so that this can be controlled.
- The land ownership disputes are not a material planning consideration. This is a civil matter between the applicant and the neighbouring land owner.
- A planting scheme condition will be imposed to ensure the site is adequately landscaped as commented on by the Planning Inspector.
- Details of the boundary treatment to the southern boundary of the site will be conditioned.
- Maintenance of the neighbouring boundary wall to the north and any impact on the wall is a matter to resolve between the applicant and the neighbouring land owner; this is not a material planning consideration.
- Reference made to the property being named incorrectly is immaterial to the determination of this application.
- All householders benefit from Permitted Development Rights and the applicant / occupier of the dwelling could potentially increase the size of the property under the criteria laid out in the Order. However, because there have been concerns over the scale and design of the dwelling in past applications, it would be reasonable to remove PD Rights for extensions to the property – this will be conditioned.
- A condition will be imposed requesting a sample panel of materials to be erected on site.
- It is unnecessary to attach an informative relating to the paddock as this is clearly blue land as shown on the approved plan and does not therefore form part of the residential curtilage.

CONCLUSION

It is your officer's opinion that the proposed replacement dwelling now relates satisfactorily to the site, in terms of its scale, mass, design and appearance and has regard for the character of the surrounding countryside and the distinctiveness of the adjacent buildings. It is therefore considered that the second reason for refusal on the previous decision has been adequately addressed, in accordance with section 7 of the NPPF, Core Strategy Policies CS06 and CS08 and Development Management Policy DM5.

The significance of the existing dwelling has been assessed against the criteria set out within the NPPF and whilst it is recognised that the dwelling is a Non-Designated Heritage Asset, its significance is limited. As it is considered that the design of the replacement dwelling is now to a high standard, this will address the first reason for refusal with regards to the NDHA as expressed by the Planning Inspector. The high standard of design of the replacement dwelling and its sustainability benefits outweighs the harm resulting from the loss of the existing dwelling, in accordance with the paragraph 135 of the NPPF and Core Strategy Policies CS08 and CS12.

The bat and owl survey reported that small numbers of common bat species are evident within the dwelling. Mitigation measures will be put in place thereby not adversely affecting the species for the long term. As it is considered that the design of the replacement dwelling is now acceptable, the three tests of derogation to be applied in these circumstances are considered to be passed. It is therefore considered that the third reason for refusal on the previous decision has been adequately addressed, in accordance with the Conservation of Habitats and Species Regulations 2010, section 11 of the NPPF and Core Strategy Policy CS12.

There will be no material impact upon neighbouring residents or highway safety as a result of the proposed development.

In light of national and local planning policy and guidance and other material considerations it is recommended that this application be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans; 2/602/21, 2/602/22A, 2/602/23 and 2/602/25.
- 2 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition 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 (drawing number 2/602/23) in accordance with the highway

specification (Dwg. No. TRAD 4). 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.

- 4 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 5 Condition Vehicular access to and egress from the adjoining highway shall be limited to the access (es) shown on drawing No. 2/602/23 only. Any other access or egresses shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the new access.
- 5 Reason In the interests of highway safety.
- 6 Condition Prior to the first occupation of the development hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to the front boundary of the site.
- 6 Reason To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened.
- 7 Condition Prior to the first occupation of the development hereby permitted the proposed on-site car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 7 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 8 Condition No demolition shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording which has been submitted by the applicant and approved in writing by the local planning authority.
In this case the recording will comprise a photographic survey of the building in accordance with a brief issued by Norfolk Historic Environment Service.
- 8 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 9 Condition No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:
 1. An assessment of the significance of heritage assets present
 2. The programme and methodology of site investigation and recording
 3. The programme for post investigation assessment of recovered material
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 9 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 10 Condition No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 9.
- 10 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 11 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9; and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 11 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 12 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.
- 12 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to 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 land after remediation.
- 13 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 13 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to 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 land after remediation.
- 14 Condition The demolition of the existing dwelling shall be undertaken in September, October or April.
- 14 Reason To avoid the main periods for roosting bats, ensuring their protection, in the interests of the NPPF and the Habitats Regulations 2010.
- 15 Condition The development shall be carried out in strict accordance with the mitigation measures laid out in the Bat and Owl Survey Final prepared by Phillip Parker Associated on 29th September 2014 and the Survey Update prepared on 14th September 2016. .

- 15 Reason In the interests of protected species, in accordance with the provisions of the NPPF and the Habitats Regulations 2010.
- 16 Condition Prior to the commencement of development, full details of the bat boxes to be installed within the existing trees and within the dwelling and garage hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Six bat boxes shall be erected on 2 no trees within the grounds of the property prior to the commencement of any development on site, including demolition of the existing dwelling. The boxes erected on the garage and dwelling shall be installed prior to the use of the property.
- 16 Reason In the interests of protected species, in accordance with the provisions of the NPPF and the Habitats Regulations 2010.
- 17 Condition Prior to the commencement of any works a Construction Traffic Management Plan and Access Route shall be submitted to and approved in writing with the Local Planning Authority. For the duration of the construction period all traffic associated with the demolition of the existing dwelling and construction of the replacement dwelling shall comply with the approved plan.
- 17 Reason In the interests of maintaining highway efficiency and safety and in the interests of protecting the character of the site.
- 18 Condition No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 18 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 19 Condition Prior to the first occupation of the development hereby approved, full details of the landscaping to the site frontage as shown on approved plan no. 2/602/23 shall be submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 19 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 20 Condition All landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be

replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 20 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 21 Condition Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 21 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 22 Condition Notwithstanding the provisions of Schedule 2, Part 1, Class A 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), the enlargement, improvement or other alteration to the dwelling house shall not be allowed without the granting of specific planning permission.
- 22 Reason In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.