

Parish:	Sedgeford	
Proposal:	Demolition and replacement of existing dwelling house, change of use of existing barn into accommodation ancillary to the dwelling house and new garage.	
Location:	24 Field Barn Cottages Docking Road Sedgeford Hunstanton	
Applicant:	Mr David Sonter	
Case No:	19/01601/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 13 November 2019 Extension of Time Expiry Date: 10 January 2020

Reason for Referral to Planning Committee – Called in by Cllr Parish and Officer recommendation is contrary to Parish Council recommendation

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for a replacement dwelling (following demolition of existing), conversion of an existing barn to ancillary accommodation, erection of a new garage and the creation of a new access.

The site is located outside the development boundary within land classed as countryside.

The site lies within Flood Zone 1.

Key Issues

- Principle of Development
- Form and Character / Impact on the Countryside
- Highway Safety
- Residential Amenity
- Protected Species
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Case Summary

Full planning permission is sought for a seven-bedroom replacement dwelling over four floors including basement and accommodation in the roof space following demolition of an existing four-bed property.

The replacement dwelling would comprise of plant room, store, wine cellar, gym and cinema in the basement; utility room, rear lobby, office, living room, kitchen, drawing room and entrance hall at ground floor; three bedrooms (including master suite), bathroom and seating area at first floor; and a further four bedrooms (two ensuite) and bathroom on the top (second) floor.

Permission is also sought for the conversion of an existing range of barns into a four-bed unit of ancillary accommodation.

A new garage and alternative vehicular / pedestrian access is also sought.

The site is located outside the development boundary within land classed as countryside.

The site lies within Flood Zone 1.

SUPPORTING CASE

The Design and Access Statement that accompanied the application concludes that the whole site will be developed to a very high quality standard of materials and design, strengthening local distinctiveness and taking account of local precedents [in terms of similar country homes in the borough]. It will relate closely to its immediate context and enhance the character of the area. A contemporary internal design will allow for high standards of energy efficiency, with principles of sustainability at the heart of the construction, and on-going management and maintenance.

The new development will create employment for local traders and crafts, and support businesses within the local community infrastructure.

An increasing population requiring a continuing need to improve and update the housing stock. Whilst this dwelling is aimed at the upper end of the market it is important that this range is covered as well as other particular types and mixes.

The proposed development has been designed so as not to have a detrimental impact upon the residential amenities of the neighbouring property with regard to overlooking and loss of privacy.

PLANNING HISTORY

18/02107/F: Application Withdrawn: 01/02/19 - Demolition and replacement of existing dwelling, change of use of existing barn into accommodation ancillary to the new dwelling house and new garage

12/01006/EXF: Application Permitted: 14/08/12 - EXTENSION OF TIME FOR THE IMPLEMENTATION OF A PLANNING PERMISSION REFERENCE 09/00772/F: proposed new vehicular access

09/00772/F: Application Permitted: 03/07/09 - Proposed new vehicular access

07/02405/F: Application Permitted: 14/01/08 - Two storey extension to dwelling

06/01974/F: Application Refused: 10/11/06 - Extension to provide first floor accommodation and balcony

2/00/1275/F: Application Permitted: 27/09/00 - Extensions and alterations to dwelling

RESPONSE TO CONSULTATION

Parish Council: OBJECT on the basis of the following policies set out in Sedgford Neighbourhood Plan:

1. Policy H4: New development outside the development boundary – demonstrate they would not be intrusive in the countryside. It was considered that the design and scale were out of character with properties in the local area.
2. Policy H6: Replacement dwellings: The new building will be disproportionately large for the plot size. It was considered that the size of the building was out of character with properties in the local area.

Highway Authority: NO OBJECTION subject to conditions relating to the provision of the new access and closure of the existing.

Historic Environment Service: There are no known archaeological implications.

Environmental Health & Housing – Environmental Quality: NO OBJECTION – recommends condition relating to unexpected contamination and an informative relating to asbestos.

Natural England: No comments to make.

REPRESENTATIONS

None received at time of writing report.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

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CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM5 – Enlargement or Replacement of Dwellings in the Countryside

DM7 - Residential Annexes

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

Principle of Development
Form and Character / Impact on the Countryside
Highway Safety
Residential Amenity
Protected Species
Other Material Considerations

Principle of Development

The development comprises a replacement dwelling in the countryside, erection of a new garage to serve the replacement dwelling, conversion of existing barns to ancillary residential accommodation (to be used in association with the replacement dwelling) and the provision of a new vehicular access.

The existing dwelling is of some age and appears on the first OS map (1879). However it is not located within a Conservation Area and has had some unsympathetic extensions and alterations over time. The Conservation Team do not consider it to be a non-designated heritage asset in terms of the NPPF. As such its loss and replacement is considered acceptable in principle.

The barn range is however a beautiful example of an historical agricultural building. The barn appears to have been built at the same time as the dwelling, but unlike the dwelling has not been unsympathetically extended over time. The loss of the barn is therefore something that the LPA would seek to resist, and an appropriate alternative use (such as ancillary residential accommodation as proposed), is likewise considered acceptable in principle.

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There are no specific policy constraints against new garages or accesses at either national or local level.

In summary, in terms of principle issues only, all elements of the proposed development are considered acceptable. The suitability of the scheme will therefore be dependent on other relevant planning policies and guidance.

Form and Character / Impact on the Countryside

Replacement dwellings in the countryside are covered under local plan policy DM5 which requires proposals to:

- be of high quality that will preserve the character or appearance of the area in which it sits
- reflect the scale and character of their surroundings
- not be oppressive or adversely affect the amenity of the area or neighbouring properties.

The Neighbourhood Plan has no policy relating to replacement dwellings in the countryside, with its replacement dwelling policy relating specifically to replacement dwellings '*within the development boundary*'.

The proposed replacement dwelling is of substantial proportions and grand in terms of its scale, mass and appearance. It will also be very prominent in the landscape especially from the west given the relatively flat, open landscape that graduates in a northerly direction. However the site itself is large and in this regard the scale of the dwelling is considered to suitably reflect its surroundings.

Additionally, grand dwellings dotted throughout the countryside are not an incongruous feature in the rural landscape. In relation to the appearance of the dwelling it bears many similarities with similar grand dwellings such as Stanhoe Hall, Barwick Hall and Sedgford Hall; and more recently, to Sutton House, a dwelling permitted on the outskirts of Burnham Market. The style of the dwelling is therefore not considered inappropriate for this West Norfolk edge of village location.

Materials for the new house will be Norfolk red brick laid in snapped-header Flemish bond in a lime rich pale butter-coloured mortar. The stone details will be Haddonstone with metal railings. The roof will be natural slate. Joinery will be of painted timber. A sample panel can be suitably conditioned if permission is granted.

On balance it is considered that the proposed replacement dwelling accords with the relevant requirements of Local Plan Policy DM5.

In relation to the conversion of the barns, Policy CS06 is the main policy consideration and states that: '*Conversion to residential use will only be considered where:*

- *the existing building makes a positive contribution to the landscape;*
- *a non-residential use is proven to be unviable;*
- *the accommodation to be provided is commensurate to the site's relationship to the settlement pattern; and*
- *the building is easily accessible to existing housing, employment and services.'*

A structural survey accompanied the application that concludes that the structure is sufficiently sound to enable a genuine conversion with minimal repair and replacement. It also suggests that the costs of doing so largely rule out any viable use other than residential.

In terms of the conversion, the biggest physical alteration is to the northern L shape return which is being lowered to enable views over the building from the replacement dwelling (eaves and ridge will match the majority of the building rather than being 0.6m higher).

The structural report suggests the walls and roof of this element are those needing the most work and largely need replacing. It is therefore considered the reduction in height is acceptable without compromising the integrity of the wider building or render the overall a replacement rather than conversion.

It is acknowledged that the barn conversion will result in a substantial amount of residential accommodation. However, for something to be ancillary it needs to be of less importance / not principal. In this regard 'fact and degree' come into play, and when compared to the size of the principal dwelling it is subordinate and therefore considered to be ancillary in planning terms. Notwithstanding this, Policy CS06 does not require conversion to be ancillary. However, it is considered in this instance that due to the scale, prominence and grandeur of the proposed replacement dwelling, it needs the setting and grounds proposed to accommodate it and therefore subdivision would not be acceptable in this instance. As such, and in line with what is being applied for, the barn conversion will be conditioned to be ancillary accommodation to the main replacement dwelling. Such a condition, together with the requirements of the Local Highway Authority (to close off existing accesses other than that proposed under the current application), will ensure general compliance with Policy DM7 that relates to residential annexes and requires that:

- It remains in the same ownership as, and is occupied in conjunction with the principal dwelling; and does not appear as tantamount to a new dwelling
- It is ancillary and subordinate in scale to the principal dwelling;
- Its occupant(s) share(s) the existing access, garden and parking of the main dwelling;
- Occupation of the annexe is subsidiary to that of the main dwelling; and
- Not capable of sub-division.

Highway Safety

The Local Highway Authority raises no objection on the grounds of highway safety.

Residential Amenity

The dwelling is too far from any neighbouring dwelling to result in any material overbearing, overshadowing or overlooking impacts.

No objections have been received from third party representatives.

Protected Species

The Ecology Report (ER) that accompanied the application concludes:

- There is no credible potential for impacts on designated nature conservation sites.
- There is no concern for meaningful impacts on habitats.
- The conversion of the barns will result in the destruction of bat roosts such as would constitute an offence under Article 12(1) of the Habitats Directive and its UK enactment, the Conservation of Habitats and Species Regulations 2017. Consequently, it is advised that the developer apply for an EPS mitigation licence to legally proceed with the proposed development.
- Minor but potentially illegal impacts on nesting birds, including barn owl, can be avoided by appropriate timing of works or by means of a watching brief.
- Minor impacts to small terrestrial animals including Species of Principal Importance are considered possible, however the risks can be minimised by following the Precautionary Working Methods advised.
- Great crested newts are considered highly unlikely to occur on site due to a lack of suitable breeding habitat in the area, and there is no suitable habitat on site for reptiles.
- Enhancements are advised in order to maximise the ecological benefits of the proposed development in line with national planning policy.

Where species are known to be present (in this instance bats), and a licence is required, there is no need for the LPA to cover the issue by condition (as they will be protected under the license).

However, the LPA is obligated to have regard to the requirements of the Habitats Directive in the determination of the planning application. To do this they must consider the three tests of derogation the results of which should indicate the likelihood of NE granting the requisite license:

- Overriding Public Interest
- No Satisfactory Alternative
- Maintaining a Favourable Conservation Status

Taking each in turn:

TEST 1 - OVERRIDING PUBLIC INTEREST

The overriding public interest of the proposed development is derived from redevelopment including the conversion of the barn.

The public interest is largely restricted to the owners of the property, although there would be some economic benefits to the building contractor and suppliers.

This benefit is weighed against the ecological cost arising from the destruction of bat roosts used by a relatively common species. Per Figure 4 of the English Nature Bat Mitigation Guidelines (2004), the roost in question is of minor conservation significance. The public interest is believed to outweigh an impact on the local populations of common bat species for which effective mitigation and compensation is considered very likely.

TEST 2 - NO SATISFACTORY ALTERNATIVE

The proposal is to demolish one existing dwelling and build a new dwelling in its place, and convert the existing outbuilding into ancillary residential accommodation. The alternatives to the proposed activity are:

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(1) Do nothing - leave the house and barn as they are. This option would be a set-back to the property owner and would not provide conservation of the barn, but there would be no related impact on bats.

(2) Proceed with the outbuilding conversion in a manner avoiding all identified bat roosts. This option would preclude necessary repair works to the exterior walls and also works to convert the southern end of the outbuilding, and so overall is unrealistic.

(3) Proceed with the development as proposed, thereby requiring EPS mitigation licensing. This would provide the maximum social benefit via the continued housing provision and economic gain. The short term ecological impact (i.e. the unavoidable destruction of bat roosts) is higher than Options 1 and 2; however, the impact has a high potential for mitigation and compensation.

Option 3 is believed to be the superior option as it provides the greatest net benefit to the public interest at an ecological risk/cost that is expected to only minimally affect the local populations of relatively common bat species. The bat roost impacts are expected to be mitigatable and compensatable.

TEST 3 - MAINTAINING A FAVOURABLE CONSERVATION STATUS

The ES suggests that the third test is assessed as highly achievable for this proposal under EPS licensed mitigation and compensation conditions. The bat species involved, common pipistrelle, is relatively common and adaptable, and other local roosting opportunities are present. The favourable conservation status of the local common pipistrelle population is judged extremely likely to persist in spite of the proposed development, so long as there is mitigation with respect to the undertaking of the works and compensation for the lost roosts.

The conclusion of the three tests is that the LPA considers it likely that NE would grant the requisite license. As such no condition pertaining to bats is required. If a license is granted then the development would have to be undertaken in accordance with the license, and if the licenses are not granted the development will not be able to progress.

In relation to other species and ecological enhancements a suitable condition (including precautionary working methods where no evidence was found and site clearance outside of the nesting bird season), in line with the submitted Ecological Report, would be appended if permission is granted.

Other Material Considerations

In relation to the Parish Council's objection your officers comment as follows:

1. Policy H4: New development outside the development boundary – the policy wording relates to new housing development rather than general development. Notwithstanding this, and contrary to the Parish Council's views, your officers consider, for the reasons outlined in the main body of the report, that on balance the design and scale are appropriate for the site and its countryside setting.

2. Policy H6: Replacement dwellings – this policy relates only to replacement dwellings within the development boundary and is therefore not a consideration in the determination of this application.

Crime and Disorder

There are no specific crime and disorder issues relating to the proposed development.

CONCLUSION

The proposed development is considered on balance to relate adequately to its site and wider setting, and whilst prominent would not result in visual, neighbour or highway disamenity. No objections have been received on technical grounds and issues relating to materials, landscaping, protected species and ancillary accommodation can all be suitably conditioned.

It is therefore recommended that the 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 approved plans drawing nos: SL 100 Rev.K, SL 101 Rev.K and SL -10 Rev.E.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first occupation of the development hereby permitted the vehicular/pedestrian/cyclist access over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification (TRAD 2) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 3 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with the NPPF and Local Plan.
- 4 Condition: Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the accesses shown on Drawing No. SL 101 Rev F only. Any other access or egress 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 concurrently with the bringing into use of the new access.
- 4 Reason: In the interests of highway safety and to ensure the ancillary accommodation can only be accessed via the primary dwelling in accordance with the NPPF and Local Plan.
- 5 Condition: Any access gates/bollard/chain/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.

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- 5 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with the NPPF and Local Plan.
- 6 Condition: Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 6 Reason: In the interests of highway safety in accordance with the NPPF and Local Plan.
- 7 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning areas 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 areas, in the interests of satisfactory development and highway safety in accordance with the NPPF and Local Plan.
- 8 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.
- 8 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 9 Condition: Notwithstanding details submitted with the application or shown on the approved plans prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works 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.
- 9 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 10 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use 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.

- 10 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 11 Condition: The development hereby permitted shall be carried out in accordance with the mitigation proposed at paragraphs 7.3 and 7.4 and ecological enhancements proposed at paragraph 8 of the Ecology Report that accompanied the application (undertaken by Wild Frontier Ecology dated October 2018).
- 11 Reason: In the interests of protected species in accordance with the NPPF and Local Plan.
- 12 Condition: The barn conversion hereby permitted shall at all times:
- remain in the same ownership as the principal dwelling;
 - be occupied as ancillary accommodation in conjunction with the principal dwelling;
 - share the same access, garden and parking area(s) of the principal dwelling; and
 - shall at no time be used as an independent unit of residential accommodation.
- 12 Reason: For the avoidance of doubt and to ensure that the ancillary accommodation is not used as an independent dwellinghouse in accordance with the NPPF and Local Plan.