

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 13 February 2013

Page

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| APPLICATION REF. NO: | 12/00703/FUL |
| STATUTORY DECISION DATE: | 28 December 2012 |
| WARD/PARISH: | MIDDLETON ST GEORGE |
| LOCATION: | Dovecote, Low Middleton House, Low Middleton, Middleton St George, Darlington |
| DESCRIPTION: | Conversion of existing dovecote to form dwelling and erection of detached carport with storage building. |
| APPLICANT: | Mr and Mrs E M Hall |

APPLICATION AND SITE DESCRIPTION

The application property is a mid 18th Century octagonal-plan dovecote (Grade II listed). Associated with Low Middleton Hall (Grade II* listed), the Dovecote stands on a raised mound in the centre of agricultural land, isolated from surrounding buildings.

Planning permission is sought for the conversion of the existing Dovecote to form a dwelling. Internally it is proposed to install two new floors with an open plan kitchen / living room on the second floor and a bedroom and a separate bathroom on the first floor. On the ground floor there would be an entrance hall, utility room and store room. The different rooms would be created by stud partition walls. An oak staircase would connect the levels.

The external changes consist of installing four new oak casement windows at first floor level. These windows would match the proportions of the existing corresponding openings on the level above where inward opening oak framed casements are proposed. The existing entrance way would be enlarged with a new door in double boarded oak. It is also proposed to re-roof the property in hand made clay pantiles. A ha-ha is proposed to surround the Dovecote building and a stone path would connect it to the proposed carport.

A sewage treatment plant is proposed and would be located below ground close to the Dovecot building. A parking / turning area for emergency vehicles next to an existing track is proposed to the east of the site and this would be formed from Grasscrete.

A detached carport and storage building are proposed some 85m to the north of the Dovecote. This building would be an open bayed oak framed structure with a boarded enclosure for bin and timber store. This structure would be 6.5m in width (plus 2.5m for the bin store) and 6.5m in depth. The structure would be 2.6m in height to eaves level and a further 2.8m to the ridge. The roof covering would be hand made clay pantiles

PLANNING HISTORY

A previous planning application (Ref: 11/00744/FUL) and an application for listed building consent (Ref: 11/00745/LBC) were withdrawn on 8 February 2012. This was to allow a bat survey to be carried out at an appropriate time.

PLANNING POLICY BACKGROUND

The following Policies of the Borough of Darlington Local Plan 1997 are relevant to the proposal:

- E2 – Development Limits.
- E4 – New Buildings in the Countryside.
- E5 – Change of Use of Buildings in the Countryside.
- H7 – Areas of Housing Development Restraint.

The following policies of the Darlington Core Strategy Development Plan Document 2011 are relevant:

- CS2 – Achieving High Quality, Sustainable Design.
- CS14 – Promoting Local Character and Distinctiveness.

The National Planning Policy Framework 2012 is also relevant to the application.

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties have been consulted and a site notice has been displayed. No objections have been received.

Middleton St George Parish Council objected to the application on the grounds of it being an agricultural building, a Listed Building, being outside the development area and that it would set a precedent for further developments.

The **Ecology Officer** raised no objections to the proposal. A condition is required for the development to take place in accordance with the recommendations contained in the bat survey submitted with the application.

The **Environmental Health Officer** raised no objections to the proposal.

The **Highways Engineer** raised no objections subject to conditions regarding access.

The **Environment Agency** raised no objections to the proposal.

The **Conservation Officer** supported the application and made comments including those set out below:

- *Whilst it is preferable to locate new residential dwellings within the development limits, it is considered that this conversion offers the opportunity to bring back one of Darlington's important and unique heritage assets into a viable use and protect it for the future. Having been vacant for 30 years, no other uses have been proposed to our*

knowledge. Should a residential use not be supported within this building, it will be at a great risk of being lost forever.

- *The proposed design of the dovecote makes minimal changes to the original structure and has been well thought out to protect the significance of the listed building. Four new windows will be inserted at high level, minimal in relation to the overall surface area of the building and appropriately placed. They are positioned so to appear frameless and avoid over-domestication of the building.*
- *Internally, the retention of many of the nesting boxes is positive and will contribute to retention of the character of the listed building. The insertion and subdivision of floor is considered acceptable. Any harm will be outweighed by securing a new and viable use within the building.*
- *The existing roof is non-original, apparently installed approximately 30 years ago. Although not the original roofing material, replacement with pantiles will alter the appearance little from the existing and is therefore appropriate.*
- *A ha-ha is proposed surrounding the dovecote. A fence, hedge or other boundary would not be appropriate and therefore a ha-ha is considered to be a well designed alternative which maintains uninterrupted views of the listed building, protecting its setting. Small sections of estate fencing are proposed for safety reasons and are appropriate for the context.*

The **County Archaeologist** considered the proposal contrary to policy and objected to the application. The points raised are summarised below:

- *The level of assessment of the significance of the designated heritage asset in the Design and Access Statement is not adequate to fully inform the planning decision.*
- *The proposed development seeks to enclose the dovecote within a ha-ha dovecotes are, to my knowledge, never enclosed by fencing, banks or ha-ha's.*
- *I understand why there is a desire to enclose the dovecote if it is being turned into a permanent residence - most people want to have their own amenity space and garden. However, the negative impact that this will have on the setting is not, to my mind, justifiable.*
- *The planning authority can remove permitted development rights - and IF planning permission is granted this should be done as a matter of course - but how does the LPA control the domestic clutter? I'm not aware that it can. Thus, planning permission for a permanent domestic dwelling will have a permanent irretrievable harm on the significance of the designated asset.*
- *Para 133 of the NPPF states that: "...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: The nature of the heritage asset prevents all reasonable uses of the site; and, no viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation; and, conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and, the harm or loss is outweighed by the benefit of bringing the site back into use."*
- *There will still be a need to put conditions on it with regards to the archaeological impact of the proposed sewerage system on the extant ridge and furrow in the field to the NW. Permitted development rights should be removed and no means of enclosure should be considered.*

PLANNING ISSUES

Planning Policy

Policy H7 (Areas of Housing Development Restraint) includes provision that new residential development will be permitted (outside the development limits) where it involves the conversion of an existing structurally sound building without adversely affecting its character or that of its setting.

Policy E5 (Change of Use of Buildings in the Countryside) of the Local Plan sets out that the change of use of buildings in the countryside will be permitted provided that the structure is sound and capable of adaptation without significant rebuilding or extension.

A structural survey has been submitted with the application. As well as being capable of taking the conversion, the proposal offers an opportunity to safeguard the future of this listed building whose original purpose is now superfluous. The proposal is acceptable in principal subject to other considerations.

Heritage Asset

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy Development Plan Document states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by various means including protecting historic buildings.

Paragraph 132 of the National Planning Policy Framework 2012 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The Dovecote is currently in a poor state of repair with missing roof tiles and evidence of structural movement through the brickwork. The conversion to residential use offers the opportunity to bring the building back into a viable use that should safeguard the most important aspects of the significance of the building for the future. The conversion has been sensitively designed to minimise its impacts and would not lead to substantial harm to the significance of the Dovecote.

The application is for a permanent residence and this is acceptable in principle.

Archaeology

There is evidence of early ridge and furrow in the field to the North West. If planning permission were to be granted, a condition regarding a programme of archaeological work would be required.

Flood risk

The Dovecote is located in Flood Risk Zone 3. The design of the conversion included no habitable rooms on the ground floor and a Flood Risk Assessment has been provided. The

Environment Agency has raised no objections. A condition is required relating to the implementation of the Flood Risk Assessment if planning permission is granted.

Ecology

The previous application was withdrawn to allow a bat survey to be undertaken over the summer months. A bat survey has been submitted with the application and the Council's Ecology Officer has confirmed that it is acceptable. A condition is required so that the development is only carried out in accordance with the method statement contained within the bat survey.

Proposed Carport and Storage Building.

The site is located outside of the Development Limits identified in the Borough of Darlington Local Plan. Policy E2 (Development Limits) of the Local Plan allows small scale development beneficial to the rural economy or to the needs of rural communities.

Policy E4 (New Buildings in the Countryside) of the Local Plan states that new buildings in the countryside should be located and visually related to existing buildings.

There is an area of hardstanding to the north of the site on which there is a large existing agricultural shed. This would be removed to provide a turning area to the proposed new carport and storage building. The garage building would visually relate to existing buildings to the north of the site and would not detract from the isolated setting of the Dovecote. The carport would not be harmful to the visual amenity of the area and would not raise any significant issues regarding residential amenity.

Section 17 of the Crime and Disorder Act 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect

Conclusion

The proposed conversion of the Dovecote to a residential dwelling is considered acceptable in principle as it would safeguard an existing building without the need for significant adaptation or extension. The conversion would not significantly detract from the significance of the Listed Building and would secure its future. The carport and storage building is required to facilitate the development and this would visually relate to the existing buildings to the north of the site. The carport would not harm the visual amenity of the area and would not detract from the setting of the Dovecote. The proposal has no significant impacts in terms of residential amenity. The proposal does not adversely impact on highway safety. No issues are raised in relation to crime prevention.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)
2. B4 Details of Materials (Samples)
3. All works and repairs to the building shall use traditional materials (as approved under Condition 2) and methods including the use of lime mortar.

Reason – In order to safeguard the character of the Listed Building.

4. B5 Detailed Drawings (Accordance with Plan)
5. C5 Restriction of PD Rights (Residential)
6. The proposed development shall be carried out in all respects in accordance with the recommendations and method statement contained within the Bat Survey, MAB Environment and Ecology Ltd July 2012.

Reason - In the interests of ecology.

7. No development shall commence until details of the track and turning area for emergency vehicles which shall be at least 3.7m in width and details of altered signage on the track to allow for emergency access have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied until these works have been implemented in accordance with the approved details.

Reason- In the interests of highway safety.

8. No development shall commence until details of improvement works to the access including drainage works to ensure that water from the development site does not discharge onto the public highway have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied until these works have been implemented in accordance with the approved details.

Reason - In the interests of highway safety.

9. No development shall commence until details of improvements to the access road within the site to provide a minimum width of 3.7m and to provide a surface that is suitable for use by pedestrians and vehicles have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied until these works have been implemented in accordance with the approved details.

Reason - In the interests of highway safety.

10. The carport hereby approved is to be linked to the residence formed by the conversion of the Dovecote and shall only be used for the domestic garaging of private vehicles and for purposes ancillary to the dwelling.

Reason - In the interests of residential amenity.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work as defined in a specification prepared by the County Durham Archaeology Team. It will require a written scheme of investigation (WSI) setting out:
- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts as well as an English Heritage defined Level 2/3 building record.
 - iii. Post-fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
 - iv. Report content and arrangements for dissemination.
 - v. Archive preparation and deposition with recognised repositories.
 - vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii. Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The written scheme of investigation must be submitted by the developer, and approved in writing by, the Local Planning Authority. The written scheme of investigation shall be carried out in accordance with the approved details and timings.

Reason - To comply with Policy CS14 of Borough of Darlington Core Strategy Development Plan Document 2011 and para 141 of the National Planning Policy Framework 2012 as the site is known to be nationally important and of special interest as a Grade II Listed Building.

12. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

Reason - To comply with para. 141 of the National Planning Policy Framework 2012 to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance

and the impact, and to make this evidence (and any archive generated) publicly accessible.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment by Andrew Long Architects and the following mitigation measures detailed within the Flood Risk Assessment:

- i. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
- ii. Finished floor levels are set no lower than 11.7m above Ordnance Datum (AOD).
- iii. Providing a flood alarm specific to the development to give additional warning when river levels begin to rise.
- iv. Ensure that only non habitable rooms are located on the ground floor.
- v. Flood proofing measures are incorporated into the design.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason – To reduce the impact of flooding on the proposed development and future occupants.

14. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to and, approved in writing, by the Local Planning Authority. The scheme shall only be implemented as approved.

Reason – To protect the water environment.

Suggested summary of reasons for granting planning permission

The proposed conversion of the Dovecote to a residential dwelling is considered acceptable in principle as it would safeguard an existing building without the need for significant adaptation or extension. The conversion would not significantly detract from the significance of the Listed Building and would secure its future. The carport and storage building is required to facilitate the development and this would visually relate to the existing buildings to the north of the site. The carport would not harm the visual amenity of the area and would not detract from the setting of the Dovecote. The proposal has no significant impacts in terms of residential amenity. The proposal does not adversely impact on highway safety. No issues are raised in relation to crime prevention. The proposal is considered acceptable in light of the following policies.

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E4 – New Buildings in the Countryside.

- E5 – Change of Use of Buildings in the Countryside.
- H7 -Areas of Housing Development Restraint.

Darlington Core Strategy Development Plan Document 2011:

- CS2 – Achieving High Quality, Sustainable Design.
- CS14 – Promoting Local Character and Distinctiveness

INFORMATIVES

- The applicant is advised that contact must be made with the Assistant Director : Highways, Design and Projects (contact Ms. P.Goodwill 01325 388760) to discuss naming and numbering of the development.
- Works are required within the public highway, to carry out improvement at the access to the site, and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mrs. Pryke 01325 388743) to arrange for the works to be carried out or to obtain authority under Sec.184 of the Highways Act 1980 to execute the works.
- There is a public right of way to the east of the site. This needs to be either open and available for use during the construction period and re-instated properly to repair any damage that may have been caused, or diverted during the construction period to avoid any conflict between users of the right of way and the contractor. Malcolm Thompson (Countryside Access Officer) can be contacted on Tel. 01325 388648 or Email. malcolm.thompson@darlington.gov.uk in connection with any issues that might affect the right of way.