

Parish: Kirklington-cum-Upsland
Ward: Tanfield
6 & 7

Committee Date: 3 May 2018
Officer dealing: Mrs H Laws
Target date: 11 May 2018

18/00206/FUL and 18/00207/LBC

Part demolition and conversion of an agricultural building to form a single dwellinghouse, construction of two dwellinghouses, relocation of access drive and construction of replacement garage and parking areas

and:

Listed Building Consent for demolition of buildings, relocation of access drive and construction of replacement garage.

At: Goldswang Farm, The Green, Kirklington
For: Mr Biker

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies centrally within the village of Kirklington, on the eastern side of the village green. Goldswang Farm buildings lie to the rear of Goldswang Farmhouse, which is a detached grade II listed building that fronts onto the village street. To the south of the dwelling is the access to the farmyard and on the other side of the access lies the dwelling known as The Old Academy, a semi-detached dwelling with an attached lean-to garage abutting the access, which is also a grade II listed building.
- 1.2 The majority of the application site lies within the Kirklington Conservation Area; the boundary of the Conservation Area excludes the rear part of the site on which lies brick and pantile outbuildings, a dutch barn and a cattle shed.
- 1.3 The farmyard towards the front of the site is occupied by a large traditional L-shaped brick and slate agricultural building; smaller brick and pantile outbuildings lie along the northern boundary; modern cattle sheds along the southern boundary; a dutch barn, and blockwork outbuildings close to the entrance into the site. Most of the buildings were last used for agricultural use by a tenant whose main farmstead is elsewhere.
- 1.4 The northern boundary of the site is a 2m high wall which forms the boundary of a large garden to the adjacent property; the eastern boundary abuts agricultural land whilst the southern boundary is contiguous with curtilages of other dwellings fronting the village green.
- 1.5 Planning permission was granted in January 2017 (16/02242/FUL) for the conversion of a large brick and slate building to provide a four bedroom L-shaped dwelling. An extension to the building was proposed to replace an existing single storey section of the building to provide a ground floor bedroom and a first floor ensuite (within the eaves) at first floor. The scheme also included the construction of two dwellings, detached but with a connecting archway at single storey height to provide pedestrian access to the side and rear of each of the dwellings. The dwellings were almost identical in form and design but set at 90° to each other. Each dwelling was four bedroomed. The existing brick and pantile outbuildings along the northern boundary were to be demolished. A new building would be constructed in a similar position on a larger footprint for use as car ports for all three dwellings.

- 1.6 The current application also proposes to retain and convert the large brick and slate building but without extension, to provide a three bedroom L-shaped dwelling.
- 1.7 The application still includes a proposal to construct two detached dwellings but at the eastern end of the site rather than the southern side, with the application site extending into the orchard area to the east. Each of the dwellings would be two storey with four bedrooms and an integral double garage.
- 1.8 A larger rear garden and a rear parking area are proposed to be used in association with Goldswang Farmhouse.
- 1.9 Goldswang Farm buildings lie to the rear of Goldswang Farmhouse, which is a detached grade II listed building that fronts onto the village street. To the south of the dwelling and on the other side of the access lies The Old Academy, also a grade II listed building.
- 1.10 It is proposed to remove the existing stone, blockwork and fibre cement sheet roof lean-to garage, which is attached to The Old Academy, and construct a replacement garage on a smaller footprint with a new 1m high wall along the new boundary. This would increase the width of the area within the site and provide additional manoeuvring space within the site. Listed Building Consent is required for this element of the scheme, which is unchanged from the scheme approved in January 2017.
- 1.11 The replacement garage would be finished in brickwork and pantiles.
- 1.12 The agricultural buildings to the rear do not form part of the listed buildings' curtilages and therefore the proposed works within the farmyard do not require listed building consent.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/00170/FUL - Alterations and extensions to agricultural buildings to form three dwellings, two flats and one shop; Refused 24 May 2006
Appeal dismissed 29 January 2007.
- 2.2 07/03174/FUL - Alterations and extensions to agricultural buildings to form four houses, two ancillary office/workshop units and a shop; improvement works to vehicular access; Withdrawn 13 November 2007.
- 2.3 11/02336/FUL - Alterations to form ancillary garage; Granted 19 December 2011.
- 2.4 16/02242/FUL - Demolition of buildings, conversion of agricultural building to dwellinghouse, construction of two dwellinghouses and replacement building for parking/storage, construction of replacement garage and alterations to the access drive. Permission granted 6/1/2017.
- 2.5 16/02243/LBC - Listed Building Consent for demolition of buildings, construction of replacement garage and alterations to the access drive. Consent granted 6/1/2017.

2.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – approve the application with no comments
- 4.2 Highway Authority – conditions recommended
- 4.3 HDC Environmental Health Officer - This service has considered the above application. Based on the information provided we believe there will be no significant impact on the local amenity. Therefore the Environmental Health Service has no objections.
- 4.4 HDC Senior Scientific Officer - I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination on the form however given the agricultural land use and scale of the development the applicant is required to submit a Phase 1 Preliminary Risk Assessment. A condition is recommended.
- 4.5 Historic England – no comments.
- 4.6 Public comments – no comments received (expiry date for representations 23/4/2018).

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the village and the rural landscape; (iii) the barn as a heritage asset; (iv) the effect on the amenity of local residents; (v) highway safety; (vi) protected species; and (vii) the impact on the character, appearance and setting of the listed buildings.

Principle

- 5.2 The site falls outside of Development Limits, as Kirklington does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in such locations in exceptional circumstances. The site no longer forms part of a working farmyard.
- 5.3 Planning permission has been granted for the redevelopment of the site as additional housing in Kirklington is considered to meet the requirements of criteria 1 of the IPG in principle. The permission to convert the barn and construct two additional dwellings remains extant.

Character and appearance of the village and the rural landscape.

- 5.4 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.5 Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG.
- 5.6 The design of the new-build dwellings reflects 'barn conversions' with steeply pitched roof, large window openings and slit windows, which reflect features of the main building. There is adequate space for gardens and parking for each of the dwellings and amenity between the three properties and existing dwellings would not be compromised.
- 5.7 The site is mostly contained within the operational agricultural area and as such is considered to contribute to the character of the settlement form as opposed to the rural character of the countryside beyond the site. The encroachment of the site into the orchard area beyond the farmyard would not adversely affect the rural landscape.

Heritage Asset

- 5.8 The proposed alterations to the brick built building are minor and respect the scale and character of the building. The barn has been assessed against the Council's published criteria for assessing Non Designated Heritage Assets. The building is considered to meet the following criteria: (1) age (usually more than 30 years old); (2) rarity (not many examples locally); (4) aesthetic value/appeal (distinctive local characteristics); and (6) townscape or landscape value (key landmark buildings).
- 5.9 The building is of historic and architectural merit; is considered to be a non-designated heritage asset and is therefore a feature of acknowledged importance. The NPPF in paragraph 126 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 135 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.10 The proposed alterations would re-use existing openings and retain traditional features. It is considered that the proposed works would retain and respect the agricultural characteristics of the building and would improve its appearance allowing an acceptable alternative use in a location, which is adjacent to other residential properties. The proposed conversion of this building is considered to meet the requirements of criterion ii of Policy CP4 by conserving a feature of acknowledged importance within the village.

Residential Amenity

- 5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. There would be adequate space for gardens and parking for each of the dwellings and amenity between the three properties and existing dwellings would not be compromised. Adequate separation distances would be provided to ensure that the proposed dwellings would not adversely affect amenity as a result of overshadowing or overlooking.

Highway safety

- 5.12 The Highway Authority has no objections subject to appropriate conditions, to the existing access (as altered) being used to serve three dwellings in addition to the existing dwelling, as it would replace a busy farmyard use.

Protected species

- 5.13 The bat and bird survey submitted with the previous application identified bat roosts and the potential for roosts in some of the buildings and confirmed that breeding birds are using the buildings. Additional surveys have been undertaken in 2017, confirming that the barns are used by multiple species of bat and the report details appropriate mitigation and compensation measures.

Listed Buildings

- 5.14 S66 of the 1990 Planning Act requires us to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.15 The existing garage is an extension added to the dwelling following the grant of permission in 2011. The garage is relatively small in scale but the width appears out of proportion with the frontage width of the dwelling. The garage is of little merit and there are no objections to its removal.
- 5.16 The scale of the proposed replacement garage relates better to the proportions of the existing dwelling and the steeper roof pitch repeats the steep pitch of the main house.
- 5.17 The proposed materials of brick and pantile are in keeping with the existing dwelling and other buildings in the vicinity.
- 5.18 This element of the scheme has not changed since the previous approval in January 2017. The proposed works would not result in harm to the significance of the listed building and is not in conflict with the advice within the NPPF and is in accordance with the LDF policies.
- 5.19 The proposed works are in keeping with the original character and appearance of the listed building and approval of the application is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the Planning application is **GRANTED** subject to the conditions set out below:
- 6.2 That subject to any outstanding consultations the Listed Building Consent application is **GRANTED** subject to the conditions set out below:

Conditions for 18/00206/FUL

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the

development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the new dwellings. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
5. The extent and sequence of works of conversion shall not be undertaken other than in accordance with the Structural and Methodology Statement submitted under application reference 16/02242/DCN.
6. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
7. The package of mitigation measures as detailed within the Revised Bat Method Statement produced by Lobo Ecology, received by Hambleton District Council on 31 January 2018, shall be carried out in full.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 17-06-1638 10 Rev. B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site other than in accordance with the details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site received by the Local Planning Authority under application reference 16/02242/DCN. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site other than in accordance with the details submitted under reference 16/02242/DCN for the

provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 15-1389 22 Rev 00; 15-1389 23 Rev 00; 17-06-1638 10 Rev B; 17-06-1638 11 Rev B; 17-06-1638 30 Rev D; and 17-06-1638 40 Rev D received by Hambleton District Council on 13 January, 26 February and 13 April 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
5. To ensure that the works are undertaken as a conversion in accordance with LDF Policies.
6. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
7. To minimise risk or disturbance to bats and breeding birds and their future use of the site in accordance with LDF Policies CP16 and DP31.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety and in accordance with LDF Policies CP2 and DP4.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
11. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

Conditions proposed for Listed Building Consent Application 18/00207/LBC

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 15-1389 22 Rev 00; and 15-1389 23 Rev 00 received by Hambleton District Council on 31 January 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.