

**Parish: Burrill With Cowling**

Ward: Tanfield

**14**

Committee Date :

Officer dealing : Aisling O'Driscoll

Target Date: 13 March 2019

Date of extension of time (if agreed): 18 November 2019

**19/00052/FUL**

**Demolition of existing agricultural building and construction of three residential dwellings**

**At: Burrill Manor Farm Cowling Road Burrill North Yorkshire**

**For: Strutt & Parker**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is in the village of Burrill; located on the south side of Cowling Road which runs east to west through the village. It is a relatively small parcel of agricultural land which is currently used in association with the adjacent Burrill Manor Farm, with a feed mill and various farming machinery in situ on the site at present.
- 1.2 The surrounding area to the north and west is mainly residential in nature, with large detached houses lining the aforementioned Cowling Road. To the south of the site is an area of vast open countryside, broken only by sporadic forms of built form before one reaches Thornton Watlass approximately 1.5km in this direction. Abutting the east of the site is an L form agricultural outbuilding which is stone built and is curtilage listed with the adjacent grade II listed Manor House.
- 1.3 The application in this instance is for the demolition of the feed mill currently located on the site and the subsequent construction of 3 two-storey, detached dwellings. Access will come from Cowling Road and run down the eastern boundary of the site; with plots 2 and 3 sited at the southern extent of the site and plot 1 located in the north west corner. It should be noted that the original proposal was for 6 dwellings, however, after discussions with the applicant this was reduced to 3.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None relevant

## **3.0 POLICY CONSIDERATIONS**

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP3 - Community assets

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP5 - The scale of new housing

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements

Development Policies DP28 - Conservation

Development Policies DP32 - General design

Interim Guidance Note - adopted by Council on 7th April 2015

Supplementary Planning Document - Size, type and tenure of new homes -

National Planning Policy Framework

## **4.0 CONSULTATIONS**

- 4.1 Burrill with Cowling Parish Council – no objections but raised concerns about the capacity of the sewage system and its ability to cope with increase.
- 4.2 NYCC Footpaths – no objections but include informative regarding any obstruction to PROW.
- 4.3 Environmental Health Contaminated Land – recommend several conditions be attached to permission regarding the need for a Phase 2 site investigation and remediation scheme prior to development
- 4.4 Highways – no objection in principle but requested further information from the applicant which was provided.
- 4.5 Yorkshire Water – no objections.
- 4.6 Environmental Health – no objections.
- 4.7 SABIC – no comments
- 4.8 Site Notice and Neighbour Notification – 4 responses received raising the issues summarised below:
- Concerns about Sewer capacity
  - Failure of the pump solution would lead to untreated sewage in the street
  - A gravity solution should be installed to the package treatment plant
  - Problems of surcharge during heavy rain

## **5.0 ANALYSIS**

- 5.1 The issues to consider with regards to the proposal in this instance are: (i) the principle of the development in this location, (ii) the impact of the development on the adjacent heritage asset, (iii) impact on the character of the surrounding area, (iv) design, (v) residential amenity, (vi) highways and (vii) drainage and flood risk.

### Principle

- 5.2 The site falls outside of Development Limits as Burrill does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that development will only be permitted beyond Development Limits “in exceptional circumstances”. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities".

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages.

- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy contained within the IPG, Burrill is defined as an "other settlement"; 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". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby.
- 5.6 The site lies within the village of Burrill in which there are no services but it lies approximately 1.5km from the edge of Thornton Watlass, which is defined as a Secondary Village with facilities including a school, a pub and a church. The site also lies within 2km of the edge of Bedale, which is a Service Centre. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proposed development satisfies criterion 1.

#### Impact on character and built form

- 5.7 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.
- 5.8 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. One dwelling was permitted under the IPG in 2018 (application number 17/02319/FUL and 19/00993/FUL).
- 5.9 Within the IPG small scale development adjacent to the main built form of a 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. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.10 Burrill has a linear development pattern insofar as it is tightly arranged either side of Cowling Road which runs in an L shape through the village. The building line for the south of the village extends down to a dwelling which is sited perpendicular to Cowling Road, approximately 60m south of the highway.
- 5.11 Given that the site of the proposed dwelling will be infill development in the centre of the village and the southern extent of the new development will not extend past the above-mentioned existing building line for the south of the village; it is considered that the proposed development can be said reflect the character and appearance of the village and therefore satisfies criterion 2 and criterion 3 insofar as the proposals impact on built form.
- 5.12 Local residents have raised concerns about sewage capacity. However, Yorkshire Water have been consulted and raised no objections to the proposed development. It is considered that the proposal can be accommodated within the capacity of existing infrastructure. Therefore the proposal is considered to comply with IPG criterion 5.

#### Impact on the adjacent heritage asset

- 5.13 The neighbouring, substantial barns are considered by the Local Planning Authority to be curtilage listed buildings, owing to their association with the adjacent listed farmhouse.
- 5.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.15 The National Planning Policy Framework at paras 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.16 Any harm to the significance of a heritage asset must be given great weight and importance in the determination of an application and the development only approved, where that harm is off-set by public benefit.
- 5.17 Also relevant is Policy DP28 of the Local Development Framework, this states that the preservation of historic heritage will be ensured by, amongst other things, preserving and enhancing Listed Buildings. Furthermore, development within or affecting the feature or its setting should preserve all aspects that contribute to its character and appearance.
- 5.18 The development has the potential to impact the setting of the adjacent 17<sup>th</sup> century grade II listed farmhouse and the curtilage listed outbuildings, which date from the early 19<sup>th</sup> century. As part of the application a heritage statement was submitted which sets out the significance of the heritage asset, the impact of the proposed development on the heritage asset and finally design/mitigation measures that have been taken to ensure there is no harm to the significance of the heritage asset.
- 5.19 Given the substantial distance (approximately 80m) between the grade II listed Manor House and the built form in the middle of the two, the impact on the setting of this heritage asset is considered to be neutral and therefore will not cause any harm to the significance of this heritage asset.

- 5.20 Owing to the much closer proximity to the agricultural outbuildings (considered to be curtilage listed), the potential harm to the setting and in turn the significance is higher. Considering the fact the buildings are arranged in a way that ensures the dwellings will be away from the western elevation of the outbuilding, the impact on the setting will be minimised and thus, in this case, is not considered to equate to harm.
- 5.21 The design of the proposed buildings, using local stone with pantile and slate roofs, further ensures that they will be sympathetic additions within the setting of the listed building. The proposed layout plan indicates that the access driveway to the development will be surfaced in tarmac. However, it is considered that a more sympathetic material, such as gravel, would be more appropriate to the character of the area and therefore it is recommended that this detail be the subject of a condition. Given the current poor state of the agricultural building in situ and the untidy nature of the rest of the site, the development is considered an improvement to the setting of the listed building overall.
- 5.22 As a consequence of the above it is considered that the change to the setting of the listed building and curtilage listed out-buildings will be minimal and will in fact equate to an improvement, given the current state of the site. As a result, there will be no harm to the significance of the heritage asset and the development therefore passes the test set out in the NPPF and is subsequently considered acceptable on heritage grounds.
- 5.23 This further ensures that the proposal can be said to satisfy criterion 3 of the IPG as it illustrates the development will not have any detrimental impact on the historic environment.

#### Impact on the surrounding area and open countryside

- 5.24 Criterion 4 of the Interim Policy Guidance requires development to have no detrimental impact on the character and appearance of the open countryside. Also relevant is Policy DP30 which states that the openness, intrinsic character and quality of the District's landscape must be respected and where possible enhanced. Furthermore, the design of buildings and the acceptability of development will need to take into account the nature of the local landscape. In addition, also important to note is Policy CP17 which dictates development must respect and enhance local context.
- 5.25 It is considered that given the fact the development does not break the current building line, which acts as a boundary to distinguish between the southern edge of the village and the open countryside, it will not lead to an invasion or urbanisation of the countryside and therefore is considered to not have a detrimental impact on the character of the open countryside. Furthermore, the proposed site layout helps to ensure this, further illustrating that the development has taken into account local context at the design stage.
- 5.26 The proposal includes the planting of a new hedgerow on the western and southern boundary of the site, which will further mitigate against the visual impact of the development when viewed from south of the village. The large trees sited directly to the north of the site will be unaffected and will screen the development when viewed from this direction.
- 5.27 As a consequence of the above it is considered that the development satisfies criterion 4 of the IPG, as well as being in-line with policies CP17 and DP32 and is therefore acceptable with regards to the impact on the surrounding area and the adjacent open countryside.

## Design

- 5.28 Policy DP32 states that the design of all development must be of the highest quality and must seek to achieve creative, innovative and sustainable designs that take into account local character and setting.
- 5.29 It is considered that the design of the proposal in this instance is in-keeping with the surrounding area with utilisation of local stone and brick, which is replicated in the surrounding area; although there is no uniformed building design in the village, with respect to either materials or architectural style.
- 5.30 In terms of scale of the proposed dwellings, it is noted that they are large in size. However, given the fact that the proposal has been halved in terms of number of units, it is considered that the scale of the overall development is suitable given the site and the local context. There is some concern that the proposals, which provide 4 and 5 bedroom accommodation, fail to provide a suitable mix of accommodation as required by Development Policy DP13.
- 5.31 In seeking amendments to the application, in order to protect the setting of the heritage asset and to facilitate the removal of the existing structures on site, officers have accepted that these benefits will sufficiently off-set the failure to meet the requirements of Development Policy DP13 in this instance.
- 5.32 It is considered that the layout and quality of design proposed is in line with Policy DP32 and is acceptable in this instance.

## Residential Amenity

- 5.33 Policy DP1 requires all development to adequately protect amenity. This relates to privacy, security, noise and disturbance, pollution, odours and daylight provision.
- 5.34 The site, being located next to what could be an operational farm and the subsequent potential impact on residential amenity is noted. To assess this issue the Council's Environmental Health team were consulted but offered no objection to the proposals on residential amenity grounds, with regards to odour and noise and disturbance. Farm operations in the vicinity are a similar distance away from existing homes and as such the risks in this case are considered minimal.
- 5.35 An assessment must also be made with regards to privacy for both the future occupiers of the proposed dwellings and the occupiers of any adjacent existing dwelling. With regards to the former issue, given two of the properties are side on to each other, it is considered there will be no privacy issues for these two dwellings. In terms of the third, most northerly dwelling, this does not face the other two units and therefore there will be no view into the principle rooms.
- 5.36 With regards to the latter issue, the only properties which could be impacted in this way are sited to the west and back onto the northern most dwelling in the proposed development. However, there is a substantial distance between the proposed dwelling concerned and these properties (approximately 30m) and there is a substantial tree line intersecting the line of, hence there are no issues regarding loss of privacy.
- 5.37 As a result of the above it is considered that the proposal adequately protects amenity and it is therefore in line with Policy DP1.

### Highways

- 5.38 Policies DP3 and DP4 require that all development has safe and sustainable means of access for all. The Highway Authority has been consulted and raised no objections to the proposed development. It is considered that the proposed development will have no significant impact on road safety and is in accordance with Development Policy DP3.

### Flood Risk & Drainage

- 5.39 Policy CP21 states that proposals must ensure protection from, and not worsen the potential for, flooding. Furthermore, DP43 states that development will not be permitted where it would increase the risk of flooding elsewhere.
- 5.40 The site is in flood zone 1 and therefore the risk of flooding is low. The change to a more sensitive use in the form of dwellings is noted. However, the relevant bodies were consulted and offered no objection on flood risk grounds. The proposal therefore is considered to be in line with Policy CP21 and DP43.
- 5.41 The number of public comments regarding the proposed use of the public sewer for the disposal of foul water is noted. However, Yorkshire Water were consulted on this issue and raised no objections to the proposals. It is therefore considered that the proposed development is acceptable in these terms.

### Planning Balance

- 5.42 The principle of development in this location gains support from the Council's Interim Policy Guidance. The design and form of the development is considered to meet the requirements of Local Development Framework policy and the IPG and is considered acceptable. The revised development is considered to result in no harm to designated heritage assets. No other material considerations would preclude a grant of planning permission. Overall the scheme is found to be acceptable.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application be **GRANTED**, subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 201708-C Rev C; received by Hambleton District Council on 07th August 2019 and 201708-E Rev C, 201708-E Rev B and 201708-F Rev B received by Hambleton District Council on 09th October 2019 unless otherwise approved in writing by the Local Planning Authority.
  3. Notwithstanding the approved plans no above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces, including the driveway, of the development have been submitted in writing to the Local Planning Authority for approval and samples 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.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(a) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E1 Var (Construction Depths Only).

(b) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access); until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road Cowling Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. 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 details approved in writing by the Local Planning Authority under condition 4.

a. have been constructed in accordance with the submitted drawing Reference Number 201708 Revision C.

b. have been constructed in accordance with Standard Detail Number E1 Var (Construction Depths Only).

and

c. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

8. There shall be no access or egress by any vehicles between the highway and the application site until 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 have been submitted to and approved in writing by the Local Planning Authority. 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.

9. There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction on the site until the following proposals have been submitted to and approved in writing by the Local

Planning Authority: (i) an on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway  
(ii) a materials storage area on the site capable of accommodating all materials required for the operation of the site and measures to ensure its use

The works shall be carried out in accordance with the approved method statement and the approved areas shall be kept available for their intended use at all times whilst construction works are in operation.

10. Prior to the commencement of development, beyond the formation of the access, full details of all existing and proposed site levels shall be provided to and approved in writing by the Local Planning Authority. The levels shall be taken from a known datum and shall include all existing and proposed site levels along with finished floor, eaves and ridge levels of all proposed buildings. The development shall then be implemented in accordance with the approved details.

11. Prior to the commencement of development other than the formation of the access, full details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

The reasons 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. 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 Policy(ies) DP1, DP28 and CP17.
3. 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.
4. In accordance with Policy CP2 and DP3 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. In accordance with policy numbers CP2 and DP3 and in the interests of road safety.
6. In accordance with policies CP2 and DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
7. In accordance with Policy CP2 and DP3 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

10. In order that the development is appropriate in terms of the character and amenity of the area and in compliance with policy DP1 and DP32.

11. In order that the site is suitably drained in accordance with policy DP43.