

Parish: Hutton Sessay
Ward: Sowerby & Topcliffe
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Committee Date : 19 September 2019
Officer dealing : Ann Scott
Target Date: 26 July 2019
Date of extension of time: 20 September 2019

19/01022/OUT

**Outline application with all matters reserved for proposed two storey new dwelling.
at Land Adjacent To The Laurels Hutton Sessay North Yorkshire YO7 3BA
for Ms Jane Jordan.**

This proposal is referred to Committee as it is a departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL:

- 1.1 The application proposes outline planning permission for the erection of a dwelling on land to the West of The Laurels, Church Lane, Hutton Sessay. All other matters are reserved for a later application. Indicative plans have been submitted to demonstrate how a dwelling may fit onto the site and gives indicative siting, design and means of access. The application site presently forms part of the side garden to the adjacent property The Laurels, Church Street, Hutton Sessay. Along the main frontage is a brick wall approximately 1.8 metres high and this fronts the highway with a 1 metre wide grass verge separating the front of the wall.
- 1.2 The existing character of the application site and surrounding area is an edge of village location, in a rural setting where agriculture is the predominant land use. The site forms part of the garden to the host property and the plot is situated between two dwellings. The existing character of this part of the village of Hutton Sessay is a mix of rural housing and farm buildings. The application site forms part of the side garden to The Laurels, Church Lane Hutton Sessay. The site is situated between two storey dwellings of traditional design to the East and West Boundaries. The Laurels to the East of the site is the host property and is a double fronted dwelling and is constructed of slate roof tiles and rendered to the front and side elevations. The dwelling to the West of the site is a more modern development which may have been a partial conversion of a previous building, and comprises of traditional brick and double roman style red roofing tiles. Opposite the site is a field which is part of an agricultural/market garden enterprise fronted by a hedge and grass verge. Adjacent to this is a pair of brick built semi-detached dwellings circa 1960's to 1970's.
- 1.3 The proposal is for outline permission with all matters reserved for one dwelling on the site.
- 1.4 The matters for approval are all reserved with the principle of development being the principle aim of this application.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

- 2.1 None relevant to this application.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

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

Core Strategy Policy CP15 - Rural Regeneration
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
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
Interim Planning Guidance
The National Planning Policy Framework 2019

4.0 CONSULTATIONS:

- 4.1 Hutton Sessay Parish Council - no comments received.
- 4.2 Highways - No comments received.
- 4.3 Environmental Health - No comments received.
- 4.4 Yorkshire Water - Require the drainage to be on separate systems for foul and surface water on and off the site. Drainage condition recommended.
- 4.5 Publicity - one letter of comment with regard to the siting of the proposed new dwelling should take account of the windows to the neighbouring property which faces the site and if too close may compromise the amount of light to that property.

5.0 ANALYSIS:

- 5.1 Section 38(6) of the Act requires that applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This application seeks to establish the principle of residential development for one dwelling on the site with all other matters reserved.
- 5.2 Section 38 of the National Planning Policy Framework relates to decision making and Local Planning Authorities should approach decisions in a positive and creative way, using the planning tools available and work with applications to secure development that will improve the economic, social and environmental conditions of the area, and seek to approve applications for sustainable development where possible.
- 5.3 The village of Hutton Sessay does not have Development Limits and is an 'other village' within the 2014 update to the settlement hierarchy of the CP4. LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. The applicant does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be 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) published in March 2012. Paragraph 55 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. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities

should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.5 Hutton Sessay is within 1.5km to the village school and church of Sessay and exactly 2km to the edge of the village of Sessay. The villages of Sessay which is a Secondary Village and Hutton Sessay can be considered cluster villages and therefore Hutton Sessay is considered a sustainable location for small scale development by the IPG. It is noted that the site is close to other properties within the settlement and close to local facilities including the "Horsebreakers Arms" public house. The proposals would relate well to the existing settlement and are acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties.
- 5.6 Accordingly the settlement is less than 2km from the Secondary village of Sessay and satisfies the IPG Criteria 1 being a development where it will support local services including services in a village nearby and as the proposal is for a single dwelling in an infill site without 'over-development' accords with criteria 2 and 3. The site will not cause any significant change to the character of the surroundings of the village or the countryside and accords with criteria 4. The issue of infrastructure and other considerations that are required by considered by criteria 5 and 6 are set out below.
- 5.7 The Hambleton District SHLAA 2018 identifies an oversupply of dwellings to the year 2026 of 14.1 years supply. The LDF requirement for the next five years is 1523 plus 870 for years 6 to 8 and averages at 299 per year up to 2026. Overall the total supply is 4209 dwellings. The application site is not allocated and is considered to be a windfall site.
- 5.8 The main issues to consider are;
- Residential Amenity
 - Visual Impact
 - Heritage assets
 - Public rights of way/highway safety
 - Drainage/flood risk
 - Other issues
- Residential amenity**
- 5.9 The indicative plans submitted with the development demonstrate a two storey dwelling of traditional design sited to the east of the site with the proposed vehicular access to the west of the proposed dwelling. This is to minimise the likely impact on the neighbouring dwelling known as Witherns to the west of the application site. Most of the fenestration in that property on the east elevation will face the application site. The occupiers of that property have expressed concern regarding the potential for a loss of light from the resulting dwelling if it is too close to their existing property. There is a 1.8 metre high brick boundary wall along the boundary with Witherns. The indicative plans demonstrate that a minimum of approximately 4.4 metre gap is achievable between any new building and the dwelling Witherns to the west.

- 5.10 To the east boundary the host property known as The Laurels a 2.5 metre gap is achievable together with a 12 metre rear deep garden. The indicative plan demonstrates a 2 metre distance to the front boundary with the highway verge which is approximately 1 metre wide. The proposal incorporates a 3 metre wide vehicular accessed by the provision of a gap in the existing 1.8 metre high brick boundary wall to the northern boundary of the application site. A new dwelling would be required to meet the Nationally Described Space Standards.

Visual impact

- 5.11 The indicative drawings demonstrate a two storey double fronted dwelling with a chimney on each of the gable ends that would fit into the plot between the existing dwellings. This is an appropriate approach to fit into the character of the locality. The overall design and siting is however reserved for a later application. Policy CP17 relates to high quality design and seeks to ensure that new development achieves a high quality of design for buildings and landscaping in all new development proposals. On balance it is considered that the proposal would not adversely affect the visual appearance of the street and the detail of dwelling to be of an appropriate scale and design to reflect the character and appearance of the locality can be required at the reserved matters stage.

Heritage assets

- 5.12 The site is situated near to existing heritage assets within the settlement of Hutton Sessay which are the Grade II listed Hall Farmhouse and Grade II listed The Manor House. These are situated to the west of the application site. 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. Regard is also to be had to the NPPF in relation to proposal affecting the setting of heritage assets. The application is not accompanied by a heritage statement. Sufficient information has been provided in the submission to determine the principle of development given that the site is surrounded on either side by existing dwellings and is not in the immediate vicinity of any existing heritage assets. The heritage assets are residential properties within the village and it can be assessed that an additional residential property would not result in harm as a matter of principle. The details of the proposal are reserved for later approval a design that is appropriate in the context of the heritage asset can be controlled at that reserved matters stage.

Public rights of way/highway safety

- 5.13 There is a public right of way to the east of The Laurels. It is considered that this will remain unaffected by the proposed development and there are no objections to the proposal from the Public Rights of Way Section. As all other matters are reserved including the means of access these details can be resolved at a later stage and the onus is on the applicant to demonstrate that an adequate and safe means of access can be provided in accordance with Policy DP3 Site accessibility. Policy DP3 of the Hambleton Development Plan relates to site accessibility and requires new development to ensure provision for sustainable forms of transport to access the site, these include bus and transport connections, cycle and walking routes and minimum levels of car parking commensurate with road safety and availability of alternative means of transport.

Drainage/flood risk

- 5.14 The site is within Flood Zone 1, an area at the lowest risk of flooding. There are no objections to the proposal on flood risk grounds in accordance with Policy DP43.

Archaeology, land contamination and biodiversity

- 5.15 The site is presently undeveloped and forms garden to the host property. The erection of a new dwelling on the site may result in undisturbed archaeology, or contamination being found from excavations. It is considered that the reserved matters should include an assessment for the likelihood of finding contamination and below ground archaeological deposits. In addition the proposal does not provide an assessment in terms of biodiversity. However there is no reason to suspect any of these would be significant on the site and these matters should be considered in a reserved matters proposal. This approach is consistent with DP28 Conservation, DP29 Archaeology and DP31 of the Hambleton Local Development Framework.
- 5.16 Policy CP1 of the Hambleton District Council Core Strategy relates to Sustainable Development. Hutton Sessay is an existing settlement and the site is situated within the village envelope of built development on an infill windfall site. The proposal is considered to be sustainable development and will support the existing services of secondary villages within the locality and accords with the advice in the National Planning Policy Framework 2019 chapter 2 in relation to achieving sustainable development.

Planning balance

- 5.17 The proposal has been considered in accordance with the relevant National Planning Policy and Local Development Plan Policies set out in the report. There are no other material planning considerations put forward which would outweigh the application being determined in accordance with the Development Plan. The proposed development is considered to accord with the Development Plan Policies and the aims and objectives of the IPG and is therefore recommended for approval subject to conditions in relation to in accordance with the submitted plans and information.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority. These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

3. The use of the building shall not be commenced until the external surfaces have been finished in accordance with a colour scheme to be

approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

4. Notwithstanding the provision of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' no windows shall be constructed in the side elevations elevation of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

5. Above ground construction of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

6. No part of the development shall be brought into use until the details of the means of vehicle access, parking, manoeuvring and turning areas have been submitted to and agreed in writing with the Local Planning Authority and thereafter constructed in accordance with the details 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. Above ground construction of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

8. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

9. Prior to construction of any building or regrading of land 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 development and the relationship to adjacent development. 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. These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
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.
4. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Core Strategy and Development Policies CP1 and DP1.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Local Development Framework Policies CP1, CP17, DP1 and DP32.
6. In accordance with Policy CP2 Access and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Local Development Framework Policies CP1, CP17, DP1 and DP32.
8. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.