

Parish: Sessay
Ward: Sowerby & Topcliffe
8

Committee Date : 13 January 2022
Officer dealing : Kate Williams
Target Date: 30 June 2021
Date of extension of time (if agreed):

21/01181/FUL

Construction of dwelling, double garage, new access and change of use of paddock to domestic use and alterations to the elevations of the existing property as amended by plans received 29.09.2021.

At: Aldorian Main Street Sessay Thirsk

For: Mr Anderson

The application has been referred to the Planning Committee by the Planning Consultative Panel

1.0 Site, context and proposal

- 1.1 The application relates to a site approximately 0.09ha within the development limits of Sessay and is part of a garden associated with an existing bungalow, Aldorian.
- 1.2 Aldorian is orientated southwards to face the site. Vehicular access to the existing property is from the south end of the site, via a drive along the rear boundary. Neighbouring properties to the south are recently constructed two storey properties of a two storey design. Opposite the site Manor Farm farmhouse is set back from and screened from the road by mature tree growth. Elsewhere opposite the site, houses are generally 2 stories. To the rear, the site backs onto agricultural land, the access to which runs alongside the south boundary of the application site.
- 1.3 Planning permission is sought for a new two storey dwelling to infill the space between Aldorian and properties to the south. A new access, driveway and parking area is proposed within the front garden area of Aldorian that remains. Alterations are also proposed to the south facing elevation of Aldorian to effectively block off two habitable room windows directly facing the proposed application site driveway.
- 1.4 Amended plans have been received which change the design and appearance of the dwelling from to better reflect the appearance of a dormer bungalow.

2.0 Relevant planning history

- 2.1 06/00111/OUT Outline application for residential development. Granted 18.7.2006
- 2.2 07/00010/OUT Revised outline application for residential development. Withdrawn 6.3.2007
- 2.3 07/00142/FUL New vehicular access. Withdrawn 6.3.2007
- 2.4 07/01914/FUL Creation of a new vehicular access. Granted 16.08.2007
- 2.5 07/01913/FUL Construction of two dwellings. Granted 16.08.2007

3.0 Relevant planning policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

3.2 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP8 - Type, size and tenure of housing

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP8 - Development Limits

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Development Policies DP34 - Sustainable energy

Development Policies DP42 - Hazardous and environmentally sensitive operations

Development Policies DP43 - Flooding and floodplains

Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

4.1 Sessay & Hutton Sessay Parish Council - Sessay Parish Council wish to see this application refused. 'The grounds for refusal are that we feel it is an overdevelopment at the site which would have an adverse impact on surrounding properties.'

Following consultation on an amended proposal the Parish Council have responded as follows:

Sessay Parish Council recommend that this application be refused for the following reasons.

1. The application represents an overdevelopment of the site; what was the front lawn of Aldorian already having been used to build two detached houses.

2. The use of agricultural land to the rear of the property would set an unwelcome precedent for future development in depth of what is essentially a "ribbon" settlement.

If it is intended that a decision on this is to be delegated to officers, and they are minded to approve the application, the Parish Council asks that that this application be considered by the full planning committee.

4.2 Highways Authority - No objections subject to conditions.

4.3 MOD - No objections.

4.4 Site notice posted following revisions and expired

4.5 Public comments - site notice displayed and neighbours consulted. No comments received.

5.0 Analysis

5.1 The issues to be considered include; (i) principle; (ii) highway safety; (iii) design; (iv) amenity; (v) drainage; (vi) ecology and biodiversity; (vii) contaminated land and (ix) sustainability.

Principle

5.2 Local Development Framework policies DP8 and CP4 seek to support residential development within Development Limits. The property is located inside the Development Limits of a secondary village with some services, including a school, a church and a sport facility, and as such it is considered to be a sustainable location for development. Policy CP4 states that: 'Development or activities of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the Development Limits...' Policy DP8 states that: 'Permission for development will be granted within the settlement Development Limits... provided that it is consistent with other LDF policies.' The principle of additional residential units in this location is therefore acceptable.

Highway safety

5.3 The existing driveway will be re-used as the access for the new dwelling, which leads to a parking area and double garage behind the proposed dwelling. A new access and parking area will be created for Aldorian. The LHA do not object to the proposed development and have recommended that standard conditions are attached. The proposed development provides an acceptable level of off-street parking for both properties and the accesses are safe. Therefore, the proposal fulfils the requirement of the Local Development Framework Policies CP2 and DP3.

Design

5.4 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

- 5.5 The main consideration is whether the proposed dwelling is acceptable in terms of the character of the settlement and grain of development, as the overall design of the dwelling is considered to be acceptable. The dwelling would be detached with a projecting canopy over the porch in the centre of the elevation extending from two bay windows serving the ground floor. The appearance of the front elevation reflects a dormer bungalow. The dwelling would be constructed in brick with pantile roof and UPVC fenestration. The windows and doors feature detailed brickwork heads and cills. The elevation is balanced and the external appearance and detailing on the proposed dwelling is attractive.
- 5.6 The proposed ridge height has been lowered and it is lower than the adjacent dormer bungalow, and narrower in width than this proposed property. The proposed dwelling is clearly higher than Aldorian and has a larger massing due to its design. However, the overall variation in height is considered acceptable, and not out of character with the pattern of development in the area.
- 5.7 The main aspect is therefore whether the massing of the building and spacing between the existing and proposed dwellings is acceptable. It is considered that due to there being terraced properties and a variety of spacing between dwellings in the vicinity, the limited gap would not be harmful to the character of the area. The side elevations, and therefore the larger massing of built development would be largely obscured by the existing dwellings either side and therefore it would not appear unduly prominent within the street scene. Whilst it would infill the site, due to its reduced height and amended design it would help to safeguard the character of the area. The development would not result in significant interruption to the generally uniform pattern of development or result in harm to the character and appearance including spatial quality of the street scene.
- 5.8 The Parish Council referenced the use of the site at the rear. This would not be domestic curtilage and would be retained as its current use as paddock. The site will however, incorporate the soakaway.
- Residential amenity
- 5.9 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.
- 5.10 Alterations are proposed to the adjacent property at Aldorian to limit the impact of the proposed development on occupiers of this property which is in the ownership of the applicant also. These alterations to the south east elevation of Aldorian are considered acceptable and a suitably worded condition is proposed to be attached to any grant of planning permission to ensure these works take place. The remaining outdoor space allocated to Aldorian is considered acceptable also.
- 5.11 The impact upon the living conditions of the development to the south are limited as there are no windows on its side elevation. The main impact would therefore be from the garage at the rear of the property, which due to its lower height and siting to the north of the boundary would not have an uncapable impact upon it.
- 5.12 The dwelling meets the requirements of the Nationally Described Space Standards as enshrined in the Size, Type and Tenure SPD. A generous size garden is provided to the rear when considering the size of the dwelling proposed. It is considered that the dwelling meets the requirements of Policy DP1 in terms of

impact on neighbouring amenity as well as providing for the amenity of future occupants. A condition restricting Permitted Development rights would be applied in this instance to ensure a high standard of amenity for future occupiers.

Drainage

- 5.13 The site is not within a flood zone. Foul water would connect to the Yorkshire Water foul sewer. Surface water would be dealt with via soakaway within the paddock which is within the applicant's ownership. These details are considered to be acceptable and fulfil the requirements of CP21 and DP43

Ecology and Biodiversity

- 5.14 The application has been submitted with a Bat exemption Survey, due to the alterations to Aldorian. Following consultation of information provided by Natural England relating to the 'factors affecting use of buildings by bats' the building is considered to be an unlikely habitat for bats. The remaining site is not considered to be of high ecological value due to it being sited on domestic garden.
- 5.15 The ground cover on site is lawn with some apple trees, leylandii type trees and many herbaceous borders and planting beds. There is some concrete and tarmac surface coverings forming hardstanding areas and some loose laid paving flags forming a path within the garden area. It is recommended that a bio-diversity enhancement condition is attached, which would require a proportionate enhancement through the creation of bird or bat boxes within the dwelling or wider site. The proposal is therefore considered to accord with the provisions of Local Development Framework Policies CP16 and DP31.

Contaminated Land

- 5.16 The site has been in residential use since 1940 when Aldorian was constructed. As noted above the site is last in use as domestic garden and appears to be free of contamination as defined by the Technical Guidance for Developers, Landowners and Consultants produced by Yorkshire and Humberside Pollution Advisory Council. The proposal with the addition of an unexpected land contamination condition would comply with Policies CP21 and DP42.

Sustainability

- 5.17 It is recommended that in order to address the requirements of Policies CP18 and DP34 that details of an electric vehicle charging points is conditioned. This would seek to secure the technology which is best suited to the provision of this facility thereby providing sustainable energy elements within the scheme.

Planning Balance

- 5.18 The proposed development is sited in a sustainable location, is a good design and would not have an unacceptable visual impact or harmful impact upon the character of the settlement. The site is a suitable location for the end use of residential development and can be safely accessed, without causing significant impacts to the environment. The proposal would also preserve existing levels of neighbour amenity. The development would therefore fulfil the overarching objective of Policy CP1 and satisfy the requirements of the NPPF.

6.0 Recommendation

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

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 drawings hereby approved: PLAN No. A28-4-PLG4 rev ab 28-09-2021 Block Plan, PLAN No. A28-4-PLG1 rev ab 28-09-2021 Elevations, PLAN No. A28-4-PLG5 rev ab 28-09-2021 Proposed Garage PLAN No. A28-4-PLG2 rev ab 28-09-2021 Aldorian Alterations
3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces 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. The development must not be brought into use until the accesses to the site have been set out and constructed in accordance with the following requirements:
 - The crossings of the highway verge must be constructed in accordance with the approved drawing reference A28-4-PLG4 and Standard Detail number E50.
 - Any gates or barriers must not be able to swing over the existing highway.
 - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

5. The development must not be brought into use until the existing access at the south eastern end of the site has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
6. The new dwelling must not be occupied until the related parking facilities have been constructed in accordance with the approved drawings. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
7. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works: - wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

8. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without a further grant of Planning Permission.

9. Prior to the first occupation of the dwelling hereby approved the proposed works to the south east elevation of the adjacent property, Aldorian, shall be completed in accordance with drawing no. PLAN No. A28-4-PLG2 rev ab 28-09-2021 Dated MAY 2021 unless otherwise approved in writing by the Local Planning Authority.

10. A scheme for the provision of an electric vehicle charging point shall be submitted for the written approval of the Local Planning Authority. The scheme shall identify the type and location of the charging point. Once approved the development shall be implemented in accordance with the approved details and thereafter retained for the life of the development.

11. A scheme for bio-diversity enhancement shall be submitted for the written approval of the Local Planning Authority. Once approved the development shall be implemented in accordance with the approved details prior to the first occupation of the development.

12. If any contamination be suspected or encountered during development all works shall cease and the Local Planning Authority shall be notified in writing. No further works (other than approved contaminated land remediation measures) shall be undertaken or the development occupied until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority and the approved remediation measures have been implemented in accordance with the timescales in the approved Strategy. No further works shall be undertaken or the development occupied until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy and Validation Report shall be prepared in accordance with Contaminated Land Research Publication 11 (Defra/Environment Agency, 2004. CLR11 Model Procedures for the Management of Land Contamination), Planning Policy Statement 23 Planning and Pollution Control and the Council's guidance note "Contaminated Land - A Guide to Developers."

13. Prior to the commencement of development, other than initial site clearance and the formation of the access, full site levels shall be provided to and agreed by the Local Planning Authority. These details shall include existing and proposed site levels along with proposed floor, eaves and ridge levels.

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. 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 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. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with Local Development Framework Policies CP2 and DP3.
5. In the interests of highway safety and the amenity of the area in accordance with Local Development Framework Policies CP2 and DP3.
6. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with Local Development Framework Policies CP2 and DP3.
7. In the interest of public safety and amenity in accordance with Local Development Framework policies CP1 and DP1.
8. Due to the small size of the application site and the physical relationship to neighboring properties and to comply with DP1 of the Local Development Framework.
9. In the interest of neighbour amenity and to comply with DP1 of the Local Development Framework.
10. In the interests of sustainable development in accordance with Local Development Framework policies CP21 and DP34.
11. In the interests of bio-diversity enhancement in accordance with Local Development Framework policies CP16 and DP31.
12. 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 Local Development Framework Policies CP21 and Dp42.
13. In order to protect the character and amenity of the area and to comply with DP1 and DP32.