

Item Number: 16
Application No: 17/00133/FUL
Parish: Sinnington Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs Ward
Proposal: Erection of a detached four-bedroom dwelling with detached double garage and ramped personal access
Location: Land Adj Riverdell Main Street Sinnington Pickering

Registration Date:
8/13 Wk Expiry Date: 29 March 2017
Overall Expiry Date: 23 March 2017
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Sustainable Places Team (Yorkshire Area) Recommend refusal
Land Use Planning No views received to date
Parish Council Object
Highways North Yorkshire Recommend conditions
Building Conservation Officer Object

Neighbour responses:

Mr John Johnson, Nicholas & Jane Staley, J & D J Tumbull, Mrs Fiona Shepherd, Piers & Farrell Burnett, Mrs Rowena Berriman, C Mudd, Mrs E M Sellers, Mr Alec Thompson, John Buller & Brenda Cooper, Mr Trevor Robinson, Mr & Mrs Flanagan, Mr Douglas Oughton, Mr D Brown, B & S Clements, Mr & Mrs G Richardson, C & L Grainger, Mrs D Crummack, J C & A M Page, Mr Peter Greaves, Mr Malcolm Hunter, Brian & Janet Ambler, Michael & Linda Swinnerton, Ms Helen Milen, Mrs Karen Selby, Pamela Aveyard, Melanie Underwood, Peter & Norma Rees, Mr George Norman Moon, Mrs Caroline Kennan, Mr R M Howe, Mr P Barratt-Atkin, Mrs E Sommerville, Mr Andrew Stephens, Rev Brian N Shackleton, Josephine Harvey, Mrs Paula Appleby, Mrs Debbie Mitchell, Mrs Chris Jackson, Alan & Susan Hutton, Ruth Wass, Mrs Sally Edwards, Anne Wilson, Mr James Wass, Mrs Sue Pickersgill, Julie Snowden, Mr & Mrs B Mitchell, Catherine Slowther, Mrs Denise Simpson, Mr Alan Harkness, Mrs Janet Pearson, Lady Elizabeth Kirk, Mr L Scaling, Mr Jonathan Wilson, Mr Geoffrey Waller, Mr John Edmondson, Shelley Campbell, Mr Lee Mitchell, Mrs Denise Bartlett, Mr David Ramsden, Mrs Helen Browes, Roger & Christine Hudson, Mr Fred Nightingale,

SITE:

The application site contains an area of land currently used for grazing. Its frontage to Main Street comprises a field gate measuring 5m in width. The site widens to the west with a rear boundary measuring 27m in length and a depth of approximately 50m. The site is located between Riverdell, a detached bungalow, and Meadow Croft an end terraced property.

The site area approximately measures 750m². The majority of the application site is within the development limits of Sinnington and within its Conservation Area.

The site is located within Flood Zone 3, and it is understood that in past flood events the site has flooded and provides an outfall for flood waters on Main Street that protects other properties along Main Street.

PROPOSAL:

Planning permission is sought for the erection of a detached dwelling. The proposed dwelling is to be located behind the terrace of properties to the south and behind the building line of Riverdell to the north. The building will have an undercroft with 3 floors above. The main part of the dwelling will measure 8m in depth by 6 m in width and 7m to the eaves height and 11m to the ridge height. It will feature a lower attached part that will have a footprint of 7m by 5.5m and be 3.7m to the eaves height and 5.4m to its ridge height. An elevated pedestrian walkway is proposed on the northern side of the dwelling at up to 1.6m above ground level.

A detached double garage is proposed to the south western side measuring 6.3m in width by 6m in depth.

It is proposed to erect the dwelling from brick under a tiled roof with UPVC or aluminium windows and doors.

HISTORY:

The planning history of the site includes:

2016: Planning application withdrawn for the erection of a dwelling

2015: Planning application withdrawn for the erection of a dwelling

POLICY:

National Policy

NPPF 2012

NPPG 2014

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy

Policy SP2 - Delivery and Distribution of New Housing

Policy SP4 - Type and Mix of New Housing

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP17 - Managing Air Quality, Land and Water Resources

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

Policy SP21 - Occupancy Restrictions

Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

APPRAISAL:

The main considerations in relation to this application are:

- The principle of a new dwelling in this location;
- The siting, scale and design of the proposed dwelling;
- The impact of the proposal upon designated heritage assets and whether the proposal will preserve or enhance the character and appearance of the Sinnington Conservation Area;
- The impact of the proposal upon the amenity of the adjoining neighbours;
- Whether the proposal will have a satisfactory level of residential amenity;
- Highway safety;
- Potential contamination;
- Drainage; and
- CIL

The principle of a new dwelling in this location and flood risk issues

Sinnington is not a 'Service Village', as such it is regarded as an 'Other Village'. In such locations, Policy SP2 of the Local Plan Strategy permits infill development within a 'continually built-up frontage' restricted to Local Needs Occupancy. The plot itself is not considered to be an infill plot, and not within a continually built up frontage. The width of frontage of the site is 5m, being a field access. The dwelling is located behind the building lines of both adjoining properties. By virtue of the shape of the site, and its limited frontage, the development of this site as proposed is not considered to constitute infill development 'within a continually built up frontage'.

The requirements of Local Needs Occupancy are set out in Policy SP21, which states:

'a) Local Needs Occupancy

To meet local housing need in the non-service villages the occupancy of new market housing will be subject to a local needs occupancy condition where this accords with Policy SP2, and will be limited to people who:

- *Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or*
- *Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or*
- *Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or*
- *Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years'*

There has been no information submitted to demonstrate who is intended to occupy the proposed dwelling and its need of new housing which cannot be provided by the existing housing stock. The policy is designed to prevent speculative new development in such villages as Sinnington and to only allow new residential development where a need has been established. This issue has been brought to the agent's attention previously through the pre-application enquiry and on the previous 2 planning applications. In the absence of this information, the principle of the proposed development is not established.

Furthermore, the site is located within Flood Zone 3. The detailed letters of objection confirm the site has flooded in the past, and it is used as an outfall for surface water on Main Street. This reduces the flood risk to properties to the south and minimises the flood event to other properties in the locality.

In respect of assessing flood risk para. 101 - 103 of NPPF states:

'101. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.'

102. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be allocated or permitted.*

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.'*

Furthermore, Policy SP17 of the Local Plan Strategy and the National Planning Practice Guidance also requires the application of the Sequential Test to development at risk of flooding, such as this proposal. A Flood Risk Assessment has been submitted that considers the site to be suitable for development. The Environment Agency has been consulted and objects to the application as there has been no sequential test evidence submitted with the application. The Environment Agency state that the development of sites such as this should be avoided where there other reasonably available sites with a lower probability of flooding. In addition the Environment Agency has confirmed that the submitted FRA, is inadequate as it does not take into account climate change or consider the effect of a wide range of flooding events, including extreme events. The Environment Agency has stated:

'Regarding previous applications for this site it was assumed that flood flows were coming out of bank from the River Seven across the field towards the development. Evidence provided by local residents suggests that the flooding mechanism is that flood flows come out of bank upstream of the road bridge, flow across the village green and down Main Street, and return to the River Seven through the development site. Following the accounts submitted by the residents we have investigated this matter further and confirmed that this is correct.'

As this is a narrow (pinch) point for the return of flood flows to the river it is imperative that the flood flow route and associated flood flow rates are maintained so as not to increase or exacerbate flood risk to others for the lifetime of the development. You will therefore need to clearly demonstrate that the development can be built in such a way that flood flow routes and flood flow rates are not altered. Alternatively, the development should be moved away from the flood flow route so that the issue is more one regarding loss of storage which can be more easily mitigated for.'

In essence, the applicant is required to demonstrate why the proposed dwelling has to be located on this site, and that there are no other suitable locations for the proposed dwelling (Sequential Test). If the Sequential Test is met, the Exception Test has to be applied. Only if both the Sequential Test and Exception Test are met, should the principle of residential development in this location considered be acceptable. As no need for a dwelling of this type and size in Sinnington has expressly been justified (pursuant to Local Needs Occupancy), the search area for the sequential test is considered to be wide, and not limited to Sinnington. This is because the Council's residential strategy seeks to focus new residential in the most sustainable settlements, in this case Pickering and Kirkbymoorside are identified as Local Service Centres and a focus for growth. Moreover, in the absence of an adopted Housing Allocations DPD, the search area is not necessarily constrained by the location of development limits. The agent has stated that the applicant does not own any other land and so this location is the only place a new dwelling could be located. That in itself, is not considered to be sufficient to meet the Sequential Test in this case. As stated above, no information has been submitted regarding the motivation for the application and the need for the dwelling, and why the existing housing stock cannot provide the accommodation that is required. Given the wide search area for the Sequential Test, including both Pickering and Kirkbymoorside, it is considered that there are opportunities to develop a single dwelling on land with a lower risk of flooding. It is therefore considered that the proposed site fails the Sequential Test.

Notwithstanding the above point regarding the Sequential Test, it is considered that the development of this site, including the ground works, hard surfacing and the introduction of structures will inevitably reduce the route flood waters would take currently and prevent the passage of water back to the River Seven. As a result it is considered that the development of this site is likely to exacerbate flooding elsewhere in the locality.

In view of the above, there is no need demonstrated for the proposed dwelling, and the proposed dwelling does not meet the requirements of Policy SP2 of the Local Plan Strategy in terms of its relationship to surrounding properties. In addition, based on the submitted information the site has not passed the Sequential Test, the Flood Risk Assessment is inadequate, and the development of the development of this site is likely to exacerbate flooding to other properties within the locality. The principle of a dwelling on this site is therefore not considered to be established.

The siting, scale and design of the proposed dwelling

In terms of design, para. 56 and 57 of NPPF states:

'56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

'57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.'

In addition, Policy SP 16 of the Local Plan Strategy states:

'Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- *Reinforce local distinctiveness*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated*
- *Protect amenity and promote well-being*

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings....'

Policy SP20 of the Local Plan Strategy also seeks to ensure new development does not adversely affect the character and appearance of the locality it is to be situated within.

The proposed dwelling features an undercroft with 3 storeys above, and a raised pedestrian link along the northern boundary of the site. The design of the dwelling has been strongly influenced by the unusual shape of the application site and its location within Flood Zone 3. Nonetheless the siting, scale and design of the proposed dwelling and raised pedestrian link is at odds with the character and appearance of Sinnington. Whilst there are some 3 storey properties in the village these comprise a traditional terrace of dwellings with no undercroft.

The details of the design, including the raised area to allow cars to pass underneath, the steep roof pitch, the front gable, large barge boards/eaves detailing, and materials are not considered to be representative of the local vernacular in Sinnington.

The raised pedestrian link is completely at odds in this rural village and introduces a wholly discordant feature.

The dwelling at 11m at its highest point is somewhat higher than the bungalow to the north by approximately 4m and 2.5m higher than Meadowcroft to the south. In addition, the existing terrace of 3-storey dwellings to the south measure approximately 8.7m in height. This stark and dramatic change in heights is considered to be harmful to the character and appearance of the village.

In view of the above the proposal is considered to conflict with NPPF and Local Planning Policy.

The impact of the proposal upon designated heritage assets and whether the proposal will preserve or enhance the character and appearance of the Sinnington Conservation Area

Policy SP12 of the Local Plan Strategy states:

'Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated.'

S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

(1) In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

The Council's Buildings Conservation Area has stated that she objects to the proposal as outlined in her earlier memo dated 28 July 2016 in relation to application 16/1086/FUL. It has also been stated:

'In addition, this design is alien to the character of the conservation area due to its strong vertical emphasis. There is a predominance of attached properties in the vicinity giving a long and low horizontal emphasis to the streetscene. The height and width proportions of the proposed dwelling has a strong vertical emphasis that is exacerbated by the steeply pitched dormer window and is an alien form in this context. In my opinion it does not accord with the Planning (Listed Building and Conservation Areas) Act which imposes a duty to have special regard to the preservation or enhancement of conservation areas.'

The harm identified above upon the heritage asset (Sinnington Conservation Area) by virtue of the siting, scale, design and materials proposed dwelling is not considered to be outweighed by any benefits associated with the scheme. The proposed development is also not considered to preserve or enhance the character and appearance of the Sinnington Conservation as required by S72.

The impact of the proposal upon the amenity of the adjoining neighbours

Policy SP20 of the Local Plan Strategy states:

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impact on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence'

The proposed dwelling is to be sited 1m from the northern boundary to Riverdell and 3.5m from Riverdell itself. It is also to be 2m from the boundary to Meadowcroft and 5.5 m from the property itself. The proposed dwelling measures 7m at eaves height and 11m at ridge height. It is considered that this close arrangement of dwellings and excessive height will give rise to an overbearing impact upon the amenities of the occupiers of the adjoining properties. Furthermore the proposal is also considered to give rise to an unacceptable loss of sun lighting and day lighting issues for those adjoining properties.

It is noted that the side windows on the proposed dwelling are to be obscure glazed. However, the proposed raised pedestrian walkway and elevated outside area to the rear is considered to introduce an unacceptable level of potential overlooking towards the adjoining properties, particularly Riverdell. The pedestrian walkway is directly on the northern boundary and it will be raised above the current ground level by up to 1.6m, thereby a person's eye level could be at least 3m above the current ground level affording clear views into the private amenity space of Riverdell. The proposal will also reduce the level of privacy to the adjoining properties by virtue of the raised terraced area.

In view of the above the proposal is considered to have an adverse effect upon the amenity of the adjoining neighbours and to be contrary to the requirements of Policy SP20 of the Local Plan Strategy.

Whether the proposal will have a satisfactory level of residential amenity

The proposed dwelling has a satisfactory level of private amenity space. However, this area is constrained by virtue of the design of the scheme.

Highway safety

The application site has an existing vehicular access onto Main Street. The local Highway Authority has confirmed that there are no objections in terms of highway safety subject to conditions.

Potential contamination

A screening assessment has been submitted that has not identified any potential areas of concern in regard to land contamination.

Drainage

Foul water is to drain to the mains, and surface water is proposed to be drained to soakaways. There is concern that soakaways would not be appropriate in times of flooding and could exacerbate the current flood risk.

CIL

The development is chargeable to CIL, and the current charge has been calculated at £13,770, should the application be approved.

Other issues:

The Parish Council has objected to the proposal in relation to flood risk and the appearance of the proposed development.

This application has attracted 59 letters of objections at the time of writing the report. These objections focus on flooding implications; the appearance of the proposed development and its impact upon the Conservation Area; emotional and financial implications (particularly upon elderly residents); highway safety; that more affordable housing is required and not large 4 bed detached properties which are said to be in abundance; residential amenity impacts from the proposal; and that the scheme does not address housing needs. It is described in the majority of letters how the site is used to alleviate flood waters in times of a severe downpour when the river cannot cope and Main Street floods. The site is used as a natural way of draining surface water away from other properties on Main Street to the south of the site and back to the River Seven. The diversion of flood waters in this manner is said to reduce the flood risk to other properties. It is noted that there is strong feeling in the village on this point and there are concerns about how the proposal could make flooding worse for other residents. It is acknowledged that 'Slowing the Flow' has made some difference, nevertheless, previous flooding and its Flood Zone 3 classification cannot be ignored. The other issues raised by the objectors are considered to have been appraised above.

In addition, there have been 4 letters of support submitted. The reasons for support include:

- The proposal will not be detrimental to flood prevention;
- The development will be good for the village;
- One individual is looking to move to the area from Pickering and there are very few affordable houses;
- That is hypocritical oppose development on private land as other homes in the village have also been built on private land at that time;
- There are very few families in the village;
- The proposal does not affect the appearance of the village;
- The proposed dwelling has been raised so it will not flood
- The proposed dwelling is not considered to be eyesore but in-keeping;
- The proposed dwelling will be the safest house in Sinnington in terms of flood risk;
- That the house is design for life; and,
- That the benefits of the scheme outweigh the harm.

Many of the above issues which are material planning considerations have been addressed in the appraisal above. Officers have a contrary view to those supporting the application in terms of its appearance, its risk to flooding, and whether its benefits outweigh the harm arising from the proposal. The proposed dwelling cannot be regarded as an Affordable House, it is a market dwelling.

In view of the wide ranging objections to this application, Members are recommended to refuse planning permission for this proposed development.

RECOMMENDATION: Refusal

- 1 The application site has flooded and is located within Flood Zone 3. There is insufficient information submitted to demonstrate that the sequential test in respect of flood risk can be passed in this case. The proposal will therefore result in an unjustified dwelling being located within Flood Zone 3. The proposal is therefore contrary to the requirements of para 101 of NPPF, the guidance within NPPG, and Policy SP17 of the Ryedale Plan - Local Plan Strategy.

- 2 In addition to Reason 01 above, the application site is considered to be unsuitable for a residential dwelling given its location within Flood Zone 3 and the clear risk of flooding to the proposed property and other properties in the locality. There is also considered to be an unacceptable risk of the displacement of flood waters to other properties in the locality thereby exacerbating existing flood risk issues. The proposed development is therefore considered to be contrary to the requirements of NPPF, NPPG and Policy SP17 of the Ryedale Plan - Local Plan Strategy.
- 3 The Flood Risk Assessment by Alan Wood & Partners dated September 2016 does not comply with the requirements of the Planning Practice Guidance that accompanies the National Planning Policy Framework. As a result, the proposal does not form a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 4 The site is located within a non-service village. In accordance with Policy SP2 of the Ryedale Plan - Local Plan Strategy only limited infill development within a continually built-up frontage is permitted. The application site is located partly behind an existing property (Meadowcroft) and does not form a continually built up frontage. Furthermore there is strong character of linear and street frontage development in Sinnington, to which the siting of this proposed dwelling would not respect. The proposed development is therefore considered to be contrary to the requirements of Policy SP2 of the Ryedale Plan - Local Plan Strategy.
- 5 Policy SP2 of the Ryedale Plan - Local Plan Strategy only permits new dwellings in locations such as Sinnington, that are 'others villages' where there is an identified need for such accommodation. The Local Planning Authority requires justification of the need for this dwelling and why the existing housing stock cannot accommodate this need in accordance with the requirements of Policy SP21 of the Local Plan Strategy. In the absence of justification, the proposal is therefore contrary to the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.
- 6 The proposed dwelling by virtue of its siting, scale, bulk and height is considered to have an overbearing and oppressive impact upon the adjoining properties and unacceptably reduce the level of sun lighting, day lighting, and privacy to the adjoining properties. In addition the proposed raised pedestrian access and terrace is considered to give rise to an unacceptable level of potential overlooking to the adjoining properties. The proposed development is therefore considered to be contrary to the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 7 The proposed development by virtue of its siting, scale, design, materials, together with the detail of design and the raised pedestrian access and undercroft is not considered to be locally distinctive or to respect the character and appearance of the locality. The proposed development is therefore considered to be contrary to the requirements of NPPF and Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 8 The benefits of the application are not considered to outweigh the harm the proposal has upon the character and appearance of the Sinnington Conservation Area by virtue of its siting, scale, design and materials. The proposal is therefore considered to be contrary to the requirements of NPPF and Policy SP12 of the Ryedale Plan - Local Plan Strategy and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties