

Item Number: 14
Application No: 22/01080/FUL
Parish: Pickering Town Council
Appn. Type: Full Application
Applicant: Mr and Mrs Mike and Cheryl Potter
Proposal: Change of use of residential annex/holiday let to form a one-bedroom dwelling (Use Class C3)
Location: The Limes 33 Undercliffe Pickering North Yorkshire YO18 7BB

Registration Date: 10 October 2022
8/13 Wk Expiry Date: 5 December 2022
Overall Expiry Date: 16 November 2022
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Pickering Town Council No Objection

Highways North Yorkshire No Objection

Representations:

SITE:

The application site relates to the annex/holiday let associated with 34 Undercliffe Pickering, sited c5.8m to the west of the residential dwelling. This is known as 'The Limes' and has a postal address of no. 33 Undercliffe Pickering. Within the same ownership lies High Mill to the south of the site.

The site is located within Pickering Conservation Area and within the Town Development Limits. The site is located to the east of the Area of High Landscape Value and a public footpath runs to the north of the site. Mill Leat (Pickering Beck) flows through the site. The original dwelling benefits from two separate accesses, one to the north along Newbridge Road and one to the east, directly off Undercliffe.

The building comprises a bedroom, bathroom, kitchen and living room, with attached garage to the south.

PROPOSAL:

This application seeks approval for the change of use of residential annex/holiday let to form a one-bedroom dwelling (Use Class C3)

The application form notes that permission is sought for this to be a C3 dwelling to allow use as a rental property. It has however been confirmed that the Applicant would prefer the dwelling not to be subject to a formal condition tying this to the same ownership as the original dwelling and the scheme will be assessed on the basis that the ownership could be formally split.

This building would be accessed via the northern access along Newbridge Road and would incorporate 2no. parking spaces and a small patio forming private amenity space.

This application is before Members of Planning Committee solely as one of the applicants is Cllr Mike Potter.

HISTORY:

05/00360/FUL: Erection of 3-bedroom dwelling and separate one-bedroom annex. Approved.
20/00395/73A: Variation of condition 14 of planning approval 05/00360/FUL dated 31.05.2005 to allow a mixed use as residential annexe and holiday let (retrospective) Approved.

POLICIES:

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP8 Tourism
Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions
National Planning Policy Framework
National Planning Practice Guidance

APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of the Development
- ii. Form, Character and Impact upon the Conservation Area
- iii. Impact upon neighbouring amenity
- iv. Flood Risk
- v. Access and Highway Safety
- vi. Other matters, including consultation responses.

- i. Principle of the development

This application seeks approval for the change of use of residential annex/holiday let to form a one-bedroom dwelling (Use Class C3)

The principle of the annex accommodation has been previously approved within the 2005 application, and the proposed dual annex/holiday let use was approved in 2020.

Pickering is a Market Town and Policy SP2 notes sources of new housing in Market Towns that can be supported include the “Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate” and the “Sub-division of existing dwellings.”

It is considered that the building which has a dual use of annex associated with no. 34 Undercliffe (essentially forming additional living space to this property) and as a holiday let, that in principle, this proposed change of use is considered acceptable. There are no specific associated occupancy restrictions required for such a change of use in the Market Towns.

It is also considered that there is a benefit to the wider housing mix/rental market in Pickering with the addition of a one bedroom bungalow, a housing type that is sought after.

This is therefore considered to be in accordance with the requirements of Policy SP2 of the Ryedale Plan, Local Plan Strategy but will be assessed against the other material planning considerations below.

ii. Form, Character and Impact upon the Conservation Area

The proposal seeks permission for the change of use of the one bedroom building to form a separate residential dwelling.

Revised plans have been sought during the determination period to clearly illustrate the position of the proposed parking spaces and to identify an area which would form a private amenity space for future residents. The private amenity space would be sited to the north of the site, adjoining the existing patio doors. This would be a commensurate space for the scale of the 1 bedroom property.

The proposed scheme would not result in any physical changes to the existing property, with the exception of the aforementioned small section of new fencing at 1.8m high. This could be erected under permitted development rights.

Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy notes: *“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. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.”*

The Council also has a duty to assess whether a development proposal enhances or preserves the character of the designated Conservation Area (S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) or affects a Listed Building or its Setting (S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)

It is concluded that this proposal will have a neutral impact upon the form and character of the site and the streetscene. There will be no Conservation Area impact as a result of the building being occupied differently, given it has a lawful use as an annex/holiday let.

It is however considered appropriate to remove certain householder permitted development rights from this one bedroom property, given there is a relatively low level of available amenity space which should be retained in the future and due to the close proximity to no. 34 Undercliffe.

iii. Impact upon neighbouring amenity

Given the positioning of this building, its use as a dwellinghouse would not result in material harm to the amenity of the nearest neighbouring properties in separate ownership to the north or east.

Careful consideration has been given to the amenity of future occupiers and existing occupiers within the property of no. 34 Undercliffe as it is possible that these buildings could be in separate ownership in the future.

It is noted that the amendments made to the original scheme in the form of new fencing would secure the provision of private outdoor amenity space for future occupiers of the one bedroom dwelling and it is noted that this would not be directly overlooked by any ground floor/first floor level windows associated with no. 34 Undercliffe due to the design of this original property and the positioning of openings. A small section of garden land would remain in the ownership of no. 34 to the north of the two parking spaces associated with no. 33, but this parking would itself be a intervening block to direct views of the patio and further fencing could be erected under permitted development rights if found to be necessary.

No. 34 Undercliffe Pickering would retain the area to the south of their building, the area to the north through which Mill Leat flows and the aforementioned small additional grassed area to the north of the proposed car parking for no. 33 as amenity space which is considered sufficient.

The proposed building for conversion has on the eastern elevation facing no. 34 a bedroom window, a door opening into a hallway and a secondary living room window, as this room is also served by a large patio door on the northern elevation. On the western elevation facing the proposed building for conversion no. 34 incorporates one of two windows serving a kitchen/diner, a hallway and one of two windows serving a study. It is not considered that these relates to openings serving habitable rooms facing each other, as the bedroom is the sole 'habitable' room present. It is acknowledged that these two buildings occupy a closer relationship than many properties, however it is considered that this could be occupied without material amenity impacts upon either property.

Any future resident would also be fully aware of the relatively low amenity space site layout in advance of occupation and it is considered that this may potentially suit a future occupier. The proposed property would also benefit from an attached garage for their own use.

iv. Flood Risk

The application site is located in Flood Zone 2 and in proximity to Mill Leat/Pickering Beck noted as a main river, which was also the case when the original dwelling and annex were approved in 2005. The Environment Agency were consulted on that application and a Flood Risk Assessment was submitted.

A condition relating to floor levels was previously recommended by the Environment Agency, to set these to at least 33.55m metres above ordnance datum (OD) which was 600mm above the highest recorded flood level.

The Applicant was asked for further information in terms of flood risk and provided the following response on the 4th December 2022 *"Please find attached FRA from our original planning application in 2005, including topographic survey details with levels AoD, which concludes that there appears to be no risk of flooding within the property, even in times of extreme weather. The levels quoted for the northern part of the site refer mainly to the previous garage and workshop, long since replaced.*

As an addendum, the highest flood level at High Mill from 2007 is now 31.71 AoD, so FFLs would be required at 32.31m or more if the planning conditions remained the same (600mm above highest recorded flood level).

The FFL at 33 Undercliffe is 32.49m and 34 Undercliffe 33.09m.

For interest, using Babbie's levels during surveys for proposed flood defences (subsequently refused due to cost-benefit analysis, then superseded by the Slowing the Flow measures), the modelled level for a major 1:100 flood at Ropery Bridge would be 32.20m. Another 290mm of flood water would cause significant flooding throughout Pickering and spread over a wide area before it reached 33 Undercliffe."

Following previous informal discussion about flood risk information, The Environment Agency in an email dated 5th December 2022 noted that as the site is within Flood Zone 2, it would come under standing advice which is for the LPA to assess. It was confirmed that they could not provide comments as it would not meet their consultation threshold.

The LPA has considered whether it is appropriate to apply the sequential/exception tests on this proposal. A dwellinghouse is considered to be a 'more vulnerable' use.

The EA guidance confirms you do not need to do a sequential test if *"your development involves a change of use (eg from commercial to residential) unless your development is a caravan, camping chalet, mobile home or park home site."* This is considered to be the case for this application and it would not be appropriate to apply the sequential test. The EA guidance also confirms that an exception test is not required for a 'more vulnerable' use in Flood Zone 2. As such, it is appropriate to apply the EA Standing Advice.

The previous FRA has been resubmitted, together with the further information outlined above. It is

noted that this relates solely to a change of use, and the LPA have sufficient information to process the Flood Risk Assessment as per the standing advice. The requirement includes the following:

- your site address
- a description of your development
- an assessment of the flood risk from all sources of flooding for your development, plus an allowance for climate change
- the estimated flood level for your development, taking into account the impacts of climate change over its lifetime
- details of the finished floor levels
- details of your flood resistance and resilience plans
- any supporting plans and drawings
- any other information the relevant standing advice tells you to include

In order to formally adhere to the requirements of the standing advice, a further addendum to the FRA was requested. This was received on the 8th December 2022 and noted the following:

“Addendum to the 2005 FRA, which includes topographic survey details with levels AoD, and which concludes that there appears to be no risk of flooding within the property, even in times of extreme weather.

The levels quoted for the northern part of the site refer mainly to the previous garage and workshop, long since replaced. The highest flood level at High Mill from 2007 is now 31.71 AoD, so FFLs would be required at 32.31m or more if the planning conditions remained the same (600mm above highest recorded flood level). The FFL at 33 Undercliffe is 32.49m and 34 Undercliffe 33.09m.

EA levels at nearby Ropery Bridge, which is at 29.68m AoD gives the highest recorded flood level on 25 Jun 2007 of 1.98m (31.66m AoD). Extrapolating Babbie’s modelled difference in flood levels between a 1:75 and 1:100 of 0.19m to give an uplift of 20% to take account of climate change adds 0.15m (31.81m AoD). When added to the measured highest flood level at High Mill, this would give an uplifted figure of 31.86m AoD. As the FFL at 33 Undercliffe is 32.49m, which is 630mm (or 0.63m) above the highest recorded flood level, uplifted by 20% to take account of climate change, there is very little risk of fluvial flooding to the property.

The risk of surface water flooding is even less, given the drop in level of around 0.5m to the railway on one side and with the mill leat to the other side, which has approx 1.0m head above the level of the tail race and therefore the level of Pickering Beck. Surface water from the property drains directly to the adjacent watercourse, as does a drainage channel along the full length of the property. Given the extremely low flood risk, further flood resistance or resilience measures were not considered necessary during construction, other than permeable parking and driveway surfaces, solid floors and electric sockets at a standard 500mm above FFL, wired from above.

The separate annexe to 34 Undercliffe (33 Undercliffe) was built as per the approval of 05/00360/FUL to accommodate my elderly mother in 2006. Since her death in 2017, it has been used as part of our holiday accommodation business. However, due to retirement from that business, the annexe will lie empty other than rare family use, so it would appear economically and socially preferable to rent the house out on a long-term basis, which requires planning permission to consider this as a separate dwelling (class C3). This will include land ownership for access as shown on the red line plan, along with two parking spaces, small patio area and shared right of access to the driveway for manoeuvring of vehicles.”

It is now considered that the requirements of the standing advice of the FRA have been met and the relevant information considered. The LPA are satisfied with the conclusions made in the submitted Flood Risk Information.

The adherence to the advice identified within the EA’s ‘Standing advice for vulnerable developments – Floor levels’ has been confirmed.

Due to the site specific proposal there is no requirement to submit further information on ‘Standing

advice for vulnerable developments – Extra flood resistance and resilience measures/Surface Water Management’ as the finished floor levels are suitable and there is no alteration to the surface water drainage.

Due to the finished floor levels, there is no requirement to submit further information on ‘Standing advice for vulnerable developments – Access and escape.’

It is therefore considered that this proposal is acceptable in terms of potential flood risk in accordance with Policy SP18 of the Ryedale Plan, Local Plan Strategy and National Guidance.

v. Access and Highway Safety

North Yorkshire County Council Highways had confirmed no objection to the proposal in their original consultation response dated 2nd November 2022.

Following receipt of the aforementioned revised plans to outline the location of the parking and amenity spaces, the Highways Officer reconfirmed no objection to the scheme. This revised plan indicated the position of 2 car parking spaces for no. 33 and no. 34 each, totalling 4 demarcated spaces within the site, although there would be further room available if necessary.

The provision of 2 parking spaces for the 1 bedroom property proposed is in excess of the NYCC Parking standards. The plans also indicated that the central driveway would have a shared right of access for vehicle movements.

vi. Other Matters including Consultation Response:

The Town Council noted no objection to the scheme in a response dated 8th November. No responses have been received from the occupiers of neighbouring properties.

It is therefore considered this proposal, which involves no physical changes to the property with the exception of limited fencing, can be undertaken without material harm to access and highway safety, with an acceptable level of off street parking provision being retained. It is considered that this is suitable in terms of meeting the policy requirements on flood risk and the character of Pickering Conservation Area will be preserved. It is furthermore concluded that the existing and proposed dwelling at 33 and 34 Undercliffe can be secured with a suitable level of residential amenity for the occupier of each property should these be subdivided in the future.

Therefore, subject to the recommended conditions, we can be satisfied that this proposal conforms with Policies SP1, SP2, SP3, SP12, SP16, SP18 and SP20 Generic Development Management Issues of the Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan (No drawing number, scanned by the LPA on the 12th October 2022)
Site Block Plan (No drawing number, scanned by the LPA on the 12th October 2022)
Proposed Block Plan and Parking Plan (No drawing number, scanned by the LPA on the 12th

December 2022)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted development) Order 2015 (or any Order revoking, re-enacting or amending that Order), development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Erection or construction of a domestic external porch

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) and to satisfy the requirements of Policy SP20 of the Ryedale Plan, Local Plan Strategy.