



Report Reference Number: 2020/0344/FUL

To: Planning Committee
Date: 25 November 2020
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0344/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Mrs M Bray	VALID DATE: EXPIRY DATE:	6th April 2020 1st June 2020
PROPOSAL:	Proposed new dwelling on land adjacent		
LOCATION:	Land Adjacent A19 Station Road Riccall York North Yorkshire		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as more than 10 letters of support have been received and officers would be otherwise making the decision to refuse the application contrary to this support.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site consists of a very small piece of land that is accessed from Station Road and within the settlement limits of Riccall. The applicant describes the land as being brownfield, owing to its use as a former BP Heating Oil distribution facility, for the adjacent housing development that was built in the 1970's.
- 1.2 The site is now fenced, overgrown and has had the oil equipment removed leaving a hollow. The site fronts and has its access onto Station Road. Station Road comes to a dead end, where it meets the A19 to the north and east of the application site. To the south, west and north west of the site are the residential

gardens of the bungalows Mount Park. The site effectively forms part of what would have been the rear garden of the No.7 Mount Park.

The Proposal

- 1.3 The proposal is for a detached 2 storey, 1-bed dwelling with no amenity space. The applicant describes the proposal as the reuse of a brownfield site that would be suitable as a starter home or for a couple wishing to downsize.
- 1.4 The plans have been amended during the processing of the application, with the bin store and canopy omitted to provide a partial car parking space to the property frontage, as well as changes to the internal layout and openings.

Relevant Planning History

- 1.5 No relevant history.

2. CONSULTATION AND PUBLICITY

- 2.1 Parish Council - Riccall Parish Council objects to the proposed application on traffic and highways issues. The site does not provide any on-site parking but can accommodate 2 residents, with the likelihood of 2 cars plus visitors parking on the road. There is no on-street parking available and in addition, access to the neighbouring properties could be compromised. It is also noted that the external construction material of the property, is not in keeping with the surrounding properties.
- 2.2 County Ecologist – No objections. No environmental information has been provided but aerial imagery suggests that the plot is overgrown with dense shrubs. If this is the case, we would expect to see some compensatory planting in line with the NPPF objective of "minimising impacts on and providing net gains for biodiversity" (para 170d). In this instance it would be difficult to accommodate suitable native tree/shrub planting on-site, so an off-site option would need to be considered. The location of the plot does not indicate any significant risk to protected species. Should Selby District Council be minded to approve the application, a condition is suggested to ensure any clearance of trees, shrubs or other dense vegetation should be undertaken outside the bird breeding season.
- 2.3 NYCC Highways - The applicant is not proposing any car parking for the development. It is noted that Riccall does have a regular bus service servicing the village, however the lack of car parking in this location is likely to lead to vehicles displacing onto the highway. The site is adjacent to an alleyway and the crossing point to King Rudding Lane. Any vehicles parking on the highway in this location are likely to impede pedestrian and cycle access to these 2 facilities. The Highway Authority can therefore not support the application with no car parking. I would recommend that the applicant amends the plans to show that at least 1 car parking space is available on site.

The plans were amended to show a partial parking space and highways have been reconsulted on the application. The officer update note will confirm their revised response.

- 2.4 Yorkshire Water – No comment.

- 2.5 The Ouse & Derwent Internal Drainage Board – No objection subject to conditions concerning the need for a detailed drainage scheme to be agreed.
- 2.6 Contaminated Land Consultant - The Landmark report does not identify any potentially contaminative historical land uses at the site, however it does not include any extracts of the historical maps used. The Landmark report contradicts the planning statement, which states that the application site is a brownfield site consisting of a former heating oil depot. The planning statement identifies the site as a former heating oil depot and brownfield site, which implies a potential for the presence of contamination. The Landmark report makes no mention of the former site use identified in the planning statement, and also does not provide any historical mapping.

As a minimum, considering the above, a Phase 1 preliminary contaminated land risk assessment should be provided, consisting of a desktop study and site walkover completed by competent persons. Conditions were suggested covering the need for further investigation of land contamination prior to development commencing, the submission of a remediation scheme, verification of remedial works and any reporting of unexpected contamination.

Representations

- 2.7 The application was publicised by means of a site notice and direct neighbour notification. 8 letters of objection were received from residents that surround the site. The concerns raised were as follows:
- Concern over the tree that sits in neighbouring land will be affected by the development. This may need protection via TPO.
 - Over the past decade or so the ambience of this once attractive village has been slowly eroded by the erection of properties on postage stamp size pieces of land in inappropriate locations by developers whose sole interest is maximum profit.
 - This plot of land is unsuitable for a dwelling and is of a size suitable for nothing larger than a double garage at best.
 - The proposed dwelling is out of character with the single storey bungalows that surround it.
 - Furthermore, there will be no space for off road parking resulting in the occupants resorting to using station road as a car park thereby causing access restrictions to existing properties.
 - Concerns over privacy with first floor windows looking into surrounding gardens.
 - The building will cause a loss of sunlight to neighbouring properties.
 - Concerns over construction traffic causing noise nuisance and disruption.
 - Any hedge removal will impact on the local wildlife that uses the vegetation.
- 2.8 10 letters of support were received in October 2020 several months after the publicity period had ended. These were from residents of the village i.e. Pinfold

Close, The Crescent, Landing Lane, Back lane and Hall Farm close, however none that live directly adjacent to the site. One letter was received from Kelfield. The issues raised in support were as follows:

- Pleased to see something exciting is happening with the site.
- Whatever seems to be done with it at the moment amounts to a tip. When it comes to more building in the village, this particular site is not going to intrude on green space but enhance what is otherwise an eyesore.
- There is a shortage of small home sin Riccall for young people for starter homes.
- I don't think parking is an issue as it's a dead end. Riccall has a good bus service.
- Riccall has excellent links to York and Selby via public transport and cycle tracks which makes it a desirable place to live. This makes good use of waste land and solves the dumping problem.
- The site is brownfield and would benefit a first-time buyer or elderly person wanting to downsize. Riccall has lots of restaurants and is a popular village.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies within the village development limits of Riccall.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status

of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“213....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP4 – Management of Residential Development in Settlements
- SP9 – Affordable Housing
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development
- ENV2 - Environmental Pollution and Contaminated Land
- T1 - Development in relation to the Highway Network
- T2 - Access to Roads

5 APPRAISAL

- 5.1 The main issues for consideration in the determination of this application are:

- The principle of the development
- Design and impact on the character and appearance of the area
- Impact on residential amenity
- Highways/ parking issues
- Contamination
- Ecology and Tree Protection
- Flood Risk and Drainage
- Affordable Housing
- Tree protection

The principle of development

- 5.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in

favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.

- 5.2 Policy SP2A(a) of the Core Strategy states "The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints". Further, the policy states "Designated Service Villages have some scope for additional residential and small-scale employment growth to support rural sustainability and in the case of Barlby/Osgodby, Brayton and Thorpe Willoughby to complement growth in Selby. Proposals for development on non-allocated sites must meet the requirements of Policy SP4".
- 5.3 Policy SP4(a) of the Core Strategy states that "in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in principle within Development Limits".
- 5.4 In Selby, Sherburn In Elmet, Tadcaster and Designated Service Villages - "Conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land and conversion/redevelopment of farmsteads)."
- 5.5 The application site is a small brownfield site within the Designated Service Village of Riccall. It was previously used as an oil distribution facility, that used to supply the adjoining residential properties when the original housing estate was constructed in the 1970's. It is now redundant and in separate ownership from that of neighbouring gardens. The proposal is acceptable in principle given the Council's spatial strategy allows for the redevelopment of brownfield sites of an appropriate scale within settlement limits.
- 5.6 It is noted that Policy SP4 (c) of the Core Strategy states "in all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard taken of the principles contained in Design Codes (e.g. Village Design Statements), where available".
- 5.7 Therefore, whilst the sites development is acceptable in principle, it will be subject to the considerations of the area's character, and other implications such as design, drainage, ecology, contamination, flooding and the impact on the highways detailed below.

Design and Impact on the Character and Appearance of the Area

- 5.8 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. Relevant policies within the NPPF which relate to design include paragraphs 127, 130 and 131.
- 5.9 In terms of overall character, this part of the settlement is almost entirely residential in character, with the dwellings to the north and west all being single storey in nature. The site lies adjacent to the rear garden of No.7 Mount Park and if it wasn't retained for the oil facility, would have been absorbed into the curtilage of No.7, as

the gardens of No.5 follow a similar pattern and layout. The rear gardens of Mount Park form the boundary to Station Road. This consists of mainly green hedges and remains undeveloped, helping to maintain this open and green character to this part of Station Road.

- 5.10 The introduction of a 2-storey dwelling in this location, would severely interrupt this single storey character. The dwelling will appear isolated, relating poorly to the existing built form that surrounds it and appearing shoehorned into this tiny site. The location and siting of the plot, together with its contrived nature and the height (6.45m) of the dwelling, will undoubtedly be harmful to the area's character.
- 5.11 The letters of support mention that the site is a mess and a dumping ground, however this is not a reason for its redevelopment. The most appropriate use of the site would be to fill the whole with inert materials, then regrass and use it as the residential curtilage to No.7.
- 5.12 In terms of design, the bungalows to the west on Mount Park are traditional 1970's styled with simple design features. The property opposite i.e. No .31 is also a simple flat fronted design and single storey. The proposed design is completely at odds with this character. The proposed design is modern, using vertical timber exterior cladding, upvc windows and doors, interlocking roof tiles with solar panels. The main openings exist on the north east elevation meaning the remaining elevations are very bland with small windows owing to the overlooking that would be created if larger openings were formed. Whilst not wishing to stifle modern design, the character, form and design is inappropriate in this particular location.
- 5.13 The site is extremely restricted being 5.8m in width and 9.3m in length at its widest point. The layout plan shows how the dwelling measuring approximately 5.1 x 5.6m almost fills the plot in its entirety. The site has no rear private amenity space, with a small area for bins on the frontage and half a car parking space. The only outlook for occupiers exists to the north east (frontage), as the remaining ground floor windows would be looking directly at a fence within 300mm of the boundaries. This accentuates the contrived nature of the site and will provide a substandard living environment for its occupants, despite the claims of the applicant that it would suit a first-time buyer or a person looking to downsize. Private amenity space, a good outlook should be characteristics of all new development, irrespective of the dwelling size.
- 5.14 Therefore given all of the above factors, the proposal on account of its contrived nature, siting, layout and design means that the proposed dwelling will have a significant detrimental impact on the character and appearance of the area contrary to Policies ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.15 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. The key considerations in respect of residential amenity are the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.

- 5.16 Due to the proximity of neighbouring dwellings the proposals will inevitably impact on the existing amenities of the occupiers of surrounding properties by reason of the physical presence of the building, the associated residential activity and increased vehicle movements to and from the property.
- 5.17 The proposed dwelling is in effect in the rear garden on No.7 Mount Park. Whilst being in separate ownership, its relationship with surrounding dwellings makes it appear that way. The site would be only 8m from the corner of the bungalow of No.7, meaning it would be in full view on their rear elevation windows. This separation is substandard and being over 6m tall, will dominate the outlook from No.7 and No.5. The dwelling will also appear oppressive when viewed from the rear gardens and tower above any other ancillary residential structure in this area.
- 5.18 The design of the proposed dwelling has to some degree taken account of its awkward siting, by limiting openings on the north western and south eastern elevations, where they directly face the properties on 5-7 Mount Park. On the south western elevation, the openings are limited to 2 ground floor windows, one of which is a WC and the other a high-level kitchen window. Whilst not shown on the layout plan, these will presumably be screened by a boundary fence. Any boundary treatment will provide a poor outlook from the kitchen of the proposed dwelling but will maintain the privacy at ground floor level. At first floor an en-suite window is added, which represents no overlooking. Facing north west are a series of small landing windows. Due to their size, these are not considered to create overlooking. The remaining windows face north east with a clear outlook onto Station Road and the A19.
- 5.19 In terms of overshadowing the two-storey nature will create some overshadowing of the rear garden on No.5 due to its position due south. This isn't however to a degree which would warrant refusal in its own right. The proposal for the reasons mentioned above will however harm the outlook from both No.5 and No.7 and be oppressive due to its position effectively in their rear gardens. For this reason the proposal will have a significant adverse effect on the amenities of the occupiers of any neighbouring properties thus contrary to Policy ENV1(1) of the Selby District Local Plan, Core Strategy SP 4 and SP 15 and the advice contained within the NPPF.

Highways / Parking Issues

- 5.20 The site is accessed from Station Road for construction purposes and provides a partial parking space formed by the block paving of the existing grass verge before it meets the road. This was introduced through an amendment as the scheme as originally submitted had no off-street parking.
- 5.21 The applicant describes the site as being highly sustainable and an eco-house, therefore this lessens the need for off street parking. The applicant contends that Station Road has become a cul-de-sac with no parking restriction. Vehicles can easily pass with parked vehicles on the street due to its width. Therefore, on street parking would not necessarily cause a highway safety concern or cause nuisance to other highway users.
- 5.22 The Highway Authority was consulted on the application and raised objections due to a lack of parking shown on the original scheme. The Highways Officer noted that Riccall does have a regular bus service servicing the village, however the lack of car parking in this location is likely to lead to vehicles displacing onto the highway.

The site is adjacent to an alleyway and the crossing point to King Rudding Lane. Any vehicles parking on the highway in this location are likely to impede pedestrian and cycle access to these 2 facilities.

- 5.23 The amended plans showing a partial parking space are currently being considered by the highway authority and the response will be updated in the forthcoming officer update note. Whilst the sustainability credentials are noted this isn't sufficient justification itself not to provide a full standard car parking space. The likely users of the dwelling and visitors will park on the highway, which will cause nuisance and an unnecessary highway safety concern. The site's inability to accommodate a full parking space also highlights the concerns raised in respect of the contrived nature of the site and the lack of overall space to satisfactorily accommodate a dwelling. Therefore, the proposal is contrary to policies ENV 1 (2) T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

Contamination

- 5.24 Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of noise nuisance, contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme.
- 5.25 The application was accompanied by a Landmark Desk Top study, which does not identify any potentially contaminative historical land uses at the site, however it does not include any extracts of the historical maps used. The Landmark report contradicts the planning statement, which states that the application site is a brownfield site consisting of a former heating oil depot.
- 5.26 The Council's Contamination Consultant recommends that as a minimum, a Phase 1 Preliminary Contaminated Land Risk Assessment should be provided, consisting of a desktop study and site walkover completed by competent persons. This could be suitably controlled by condition. The applicants responded by stating that they have owned the site since the 1960's when it was bought as a green field building site, so they know its history. The plot was leased to Shell Mex BP for an oil store for the housing site so do not see the need to do a further report or walk over as they know what has been there. They consider the ground needs testing for any contamination from the oil tank as a precaution and would agree to a condition in this respect. The conditions suggested by the council's contamination consultant would cover this.
- 5.27 Officers are therefore satisfied that safe development could be brought forward if the above further site investigation measures are suitably undertaken in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Ecology and Tree Protection

- 5.28 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.
- 5.29 The site is not a protected site for nature conservation but does have a number of shrubs and vegetation within it. The Council's Ecologist states that ordinarily they would expect to see some compensatory planting in line with the NPPF objective of

“minimising impacts on and providing net gains for biodiversity” (para 170d). The Ecologist recognises that in this instance it would be difficult to accommodate suitable native tree/shrub planting on-site (due to its size) so an offsite option would need to be considered. Officers do not feel this is necessary given the scale of the development and therefore if support were offered to the scheme a condition could be imposed which would ensure site clearance only occurs outside the bird breeding season.

- 5.30 Finally, concern has been raised in the representations over the proximity of the development to a tree to the east of the site. This tree is a reasonable sized specimen, covered in ivy and whilst its crown does reach into the site, it is not worthy of any special protection and wouldn't be a reason to withhold the proposal.
- 5.31 The proposal therefore accords with the requirements of the Habitats Regulations 2010, and ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF.

Flood Risk and Drainage

- 5.32 The site lies within Flood Zone 1 and therefore has a low probability of flooding. No sequential or exception test is therefore required. Therefore, having had regard to Policy SP15 (B) it is considered that, subject to appropriately worded planning conditions, the proposal is acceptable.
- 5.33 In terms of drainage the application form suggests foul water will be to the mains, as will the surface water. Surface water discharge to mains is not the normal preferred method, however the site due to its size isn't capable of accommodating a soakaway. Yorkshire Water raised no comment in respect of this and the IDB highlighted the fact that the surface water appears to discharge into a Board maintained watercourse (Riccall Dam (Gosling Marsh Clough) and accordingly, consent will be required from the Board. This is in addition to any consent required from Yorkshire Water. A planning condition could control the need to agree the provision of surface water drainage works.

Affordable Housing

- 5.34 CS Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. However, the subsequent publication of the NPPF 2018 and 2019 is a material consideration. The NPPF states in paragraph 63 “Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)”. In the light of this it is not considered that affordable housing contributions should be sought on this application.

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the principle of the proposed development is acceptable given it's a brownfield site within the development limits of Designated Service Village of Riccall. Furthermore, the proposals are considered to be acceptable in respect of

flood risk, drainage, nature conservation and protected and land contamination subject to condition.

- 6.2 However the proposal to locate a two storey detached dwelling on this restricted site, will create a contrived residential development, that lacks suitable off street parking, causes harm to the living conditions of neighbouring residents, creates a substandard form of residential development for its future occupiers and will create harm to the character and appearance of the area. The proposal is simply unable to satisfactorily accommodate a single dwelling, thus contrary to Policies ENV1 and T1 & T2 of the Selby District Local Plan and SP19 of Core Strategy and section 12 of the NPPF.

7 RECOMMENDATION

This application is recommended to be refused for the following reasons:

1. The proposed development fails to preserve and enhance the character of the local area on account of its contrived nature, design and scale. The dwelling relates poorly to that of the surrounding built form and will appear isolated and over dominate the open and green character of Station Road. The proposal is therefore contrary to Policy ENV1 (1) and (4), of the Selby District Local Plan, Policy SP 4 c) and d) and SP19 of Core Strategy and Section 12 of the NPPF.
2. The proposal by virtue of its scale and positioning will be oppressive and dominate the outlook from the rear elevations and gardens of No.5-7 Mount Park. This will cause a reduction in the quality of the living conditions of these residents. Likewise, due to the restricted nature of the site, restricted outlook and lack of amenity space, the development will lead to a substandard living environment for its future occupiers. The proposal is therefore considered to be contrary to policy ENV 1 (1) of the Selby District Local Plan, SP19 of Core Strategy and Section 12 of the NPPF.
3. The proposal fails to provide a satisfactory off street car parking space for its future occupiers. This is likely to lead to vehicles displacing onto the highway, which are likely to impede vehicular, pedestrian and cycle movement on the highway. Therefore, the proposal is contrary to policies ENV 1 (2) T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the

conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2020/0344/FUL and associated documents.

Contact Officer: Gareth Stent (Principal Planning Officer)
gstent@selby.gov.uk

Appendices: None