

**Item Number:** 12  
**Application No:** 16/00785/FUL  
**Parish:** Rillington Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr & Mrs Bellfield  
**Proposal:** Erection of a three bedroom bungalow with attached garage  
**Location:** Land At Manor View Rillington Malton North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 17 June 2016  
**Overall Expiry Date:** 8 June 2016  
**Case Officer:** Alan Hunter **Ext:** Ext 276

#### CONSULTATIONS:

<b>Parish Council</b>	No views received to date
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Archaeology Section</b>	Proposed development has no known archaeological constraint
<b>Land Use Planning</b>	No views received to date
<b>Tree &amp; Landscape Officer</b>	No views received to date
<b>Neighbour responses:</b>	Mr Warren Grant, Mrs Patricia Sollitt, Mrs Clarke Collier, Mr P Abbey, Mrs K Green, Mr Richard & Patricia Porter, Mrs J Hodge, Shirley Maud, Stella Ketley, Mr Nicholas Wilson,

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#### SITE:

The application site measures 40m in length at its maximum by 24m in width at its maximum. With the exception of the access from Manor View on its southern side, the application site is located outside of the development limits of Rillington. The access track from the existing cul-de-sac to the site approximately measures 8m in width and 16m in length and is located between No. 9 and No. 26 Manor View. Both No. 9 and No. 26 are detached bungalows. Manor View is a 1990's cul-de-sac of residential development comprising both single and two storey dwellings of brick and tiled roofs. The application site is currently part of the rear garden area of No. 52 Low Moorgate, with that property located to the western side of the application site. Beyond the site to the east is open countryside, with an orchard and grazing land to north.

#### PROPOSAL:

Planning permission is sought for the erection of a 3 bed detached bungalow that has a footprint measuring 18.3m in width by 9.7m in width and is 2.3m to its eaves height and 5.4m to the ridge height. It is proposed to construct the dwelling of brick under a pantile roof with UPVC windows.

The proposed dwelling is sited on a similar building line to No. 9 Manor View with an attached garage on its southern side.

#### HISTORY

1992: Planning permission granted for the erection of electricity sub-station adjacent to Plot 1 Manor View.

1991: Planning permission granted for the erection of 17 dwellings.

## **POLICY:**

### National Policy

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

### Local Plan Strategy

Policy SP1 – General Location of Development and Settlement Hierarchy

Policy SP2 – Delivery and Distribution of New Housing

Policy SP3 – Affordable Housing

Policy SP4 – Type and Mix of New Housing

Policy SP11 – Community Facilities and Services

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 – Presumption in favour of sustainable development

Policy SP20 – Generic Development Management Issues

## **APPRAISAL:**

The main considerations in relation to this application are:

1. The principle of the proposed development;
2. The siting, scale and design of the proposed dwelling;
3. Developer contributions;
4. Whether the proposal will have an adverse effect upon the character and appearance of the open countryside;
5. Impact upon the amenity of the adjoining neighbours;
6. Whether No. 52 Low Moorgate retains a satisfactory level of residential amenity;
7. Highway safety;
8. Landscaping; and
9. Drainage.

This application is referred to Planning Committee as the recommendation to approve this application beyond the 'saved' development limits represents a departure from the adopted Development Plan. The application has been advertised as 'Departure' and the rationale for this recommendation is contained in the report below.

### The principle of the proposed development

The Council had a 5-year supply of housing as of 31 March 2015. The current figure is being calculated by Officers and the Council is expected to maintain at least a 5-year supply of housing. The application site is located outside of the development limits of Rillington, as such it lies within the open countryside. In accordance with Policy SP2 of the Local Plan Strategy the proposed dwelling would not meet any of the normal open countryside exceptions and be contrary to Policy SP2.

However, the Council does not have an adopted Housing Development Plan Document specifying housing allocations, as stated within Policy SP2 of the LPS.

Para. 14 of NPPF states:

*‘ .... For decision-taking this means:*

- Approving development proposals that accord with the development plan without delay; and*
- Where the development plan are absent, silent, or relevant policies are out-of –date, granting planning permission unless:*
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- Specific policies in the Framework indicate development should be restricted.*

Given that the Council has not made Housing Allocations, the Development Plan can be considered to be silent in part in this respect, and para. 14 of NPPF is invoked. Therefore, this application should be granted planning permission unless the impacts of the proposed development significantly or demonstrably outweigh the benefits or specific NPPF policies indicate development should be restricted.

In this case, the application site has been submitted as a possible site for residential development within the Housing Sites Document 2015. In combination with other sites to the north, the site is identified as one of the preferred housing sites for the Service Villages. Furthermore the site is located in Rillington, which is identified as a ‘Service Village’ and a sustainable settlement with local services and facilities.

It is therefore considered that the principle of developing this site is consistent with national and emerging Local Plan Policy. The appraisal below will address whether there is conflict with other NPPF policies or any significant or demonstrable harm identified in the appraisal below.

#### Siting, design, and scale

The siting, scale and design of the proposed dwelling is considered to relate well to the character and form of the surrounding properties on Manor View and meet the requirements of Policy SP16 and Policy SP20 of the Local Plan Strategy.

#### Developer Contributions

The development is chargeable to CIL at 45m<sup>2</sup> giving a charge of approximately £5,400

Policy SP3 of the Local Plan Strategy requires a 9% Affordable Housing contribution based on the private sales revenue of the dwelling. A decision of the Court of Appeal (West Berkshire DC v SSCLG [2016] EWHC 267) earlier this month confirmed the legality of Government's amendment to the NPPG to prevent Affordable Housing contributions being sought from sites of less than 10 dwellings. On 19 May 2016 Government amended national policy (NPPG) to prevent developer contributions from smaller sites of 10 dwellings or less. It is therefore not considered to be possible for such developer contributions to be sought towards affordable housing on this single dwelling. The decision of the Court of Appeal and the changes to NPPG are a significant material consideration that is of sufficient weight to override the Development Plan requirement for Affordable Housing contributions. As such Members are advised that no such contribution should be sought from this single dwelling.

#### Impact upon the open countryside

The site is bounded by existing residential development to the west and southern sides, with mature planting to the northern and eastern sides. Because of this the impact of the proposal upon the Vale of Pickering landscape character is considered to be negligible. There is a public footpath to the eastern side within a partly planted area, however views of the proposed dwelling will be in the context of the existing built form of Rillington.

#### Impact upon the amenity of adjoining neighbours

The proposed dwelling is single storey having a maximum ridge height of 5.4m and an eaves height of 2.3m. There is considered to be a satisfactory separation to surrounding properties and no issues with regard to potential overlooking. The inter-relationship of the proposed garden with those existing gardens is equally considered to be acceptable.

The use of the proposed access and movements associated with a single dwelling to and from Manor View is not considered likely to give rise to a material adverse effect upon the amenity of the adjoining properties. The proposal appears a logical extension of the existing cul-de-sac.

#### Whether No. 52 Low Moorgate retains a satisfactory level of residential amenity space?

No. 52 is a substantial property and is considered to retain ample sized garden.

#### Highway safety

The Highway Authority has considered the ability of Manor View and Low Moorgate to safely accommodate this additional dwelling and the inter-relationship with other road users. The Highway Authority has confirmed that there are no objections to the proposed development subject to the imposition of a standard condition regarding a Construction Management Plan.

#### Drainage

Foul water is to drain to the mains, and surface water to is to be drained via a soakaway. There are no objections to these drainage methods.

#### Landscaping

The proposal is to retain as much planting as possible on the outer sides and within the site and no objections have been received.

#### Other considerations

The County Archaeologist has no objection to the application, and no response has been received from the Parish Council. There have been 7 letters of objection and 2 letters of representation in regard to the application, the following issues have been raised:

- Highway safety and the impact upon Manor View and Low Moorgate;
- The impact upon the amenity of the adjoining neighbours;
- Construction disruption;
- The possibility of the site to the east being unlocked;
- The possibility of a 'rat run' from Manor View to the proposed housing scheme to the north;
- Impact upon the Doctor's surgery;
- Loss of trees and wildlife; and,
- Possibility of overlooking should velux roof lights be added to the rear roofslope.

The issue of highway safety and the safety of road users has been considered in detail by the Highway Authority and no objections have been raised. The impact of the proposal upon residential amenity has been addressed in the appraisal above and there are considered to be no reasons to refuse planning

permission regarding its impact. The existing hedge does not have protection and there is considered to be no objection to its removal, an informative is recommended to advise the developer's of their obligations under the Wildlife and Countryside Act when removing the hedge in relation to breeding birds. The impact upon the Doctor's surgery is a matter for the surgery, the site is a sustainable location and a preferred option for allocation. There is no proposal to create access from Manor View to the proposed development to the north, and consequently no 'rat run' is proposed.

Construction disruption and noise is inevitable, however this is short-term. A condition is recommended by the Highway Authority to control the highway safety impacts of construction. An informative is recommended regarding adherence to the Considerate Construction Scheme.

It is possible that an additional plot to the east could become unlocked by virtue of the proposed access. However this is not a reason to withhold planning permission. Any development of that site would have to be considered on its own merits through the submission of a further planning application.

The main part of the dwelling where velux roof lights could be inserted is back-to-back to No. 52 Low Moorgate. There is a separation distance of approximately 50m between the proposed dwelling and No. 50 Low Moorgate. It is therefore not considered to be reasonable to impose a condition withdrawing permitted development rights in this case.

### Conclusion

In view of the above there are considered to be no conflicts with NPPF or with the development principles set out in the Local Plan Strategy. Furthermore no significant or demonstrable harm has been established. Therefore it is recommended that this application be approved subject to conditions as listed below.

### **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            Notwithstanding the submitted details and before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy

- 3            No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- A. the parking of vehicles of site operatives and visitors
- B. loading and unloading of plant and materials
- C. storage of plant and materials used in constructing the development
- D. measures to control the emission of dust and dirt during construction
- E. HGV routing

Reason: In the interests of highway safety and to satisfy Policy SP20 of the Local Plan Strategy

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

Site location plan; Drg No. 040 416 2; 040 416 1

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

- 5 Prior to the commencement of the development hereby approved precise details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Local Plan Strategy.

- 6 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy

## **INFORMATIVES**

1. You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).
2. The applicant/developer is advised that the site clearance works should be undertaken to avoid the bird breeding season. The applicant/developer is also advised of their obligations under the Wildlife & Countryside Act 1981.
3. The applicant/developer is advised to adhere to the Considerate Construction Scheme.

### **Background Papers:**

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