

**LAND AT LOW MOORGATE  
RILLINGTON  
MALTON  
YO17 8JW**

**OUTLINE PLANNING APPLICATION:  
PROPOSED RESIDENTIAL DEVELOPMENT  
PHASE 2 PROPOSALS**

**PLANNING STATEMENT**

**PREPARED ON BEHALF OF  
MR J B COOK**

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## 1.0 INTRODUCTION

1.1 This Statement is made in respect of the 2<sup>nd</sup> Phase of development proposed for land at and adjoining 56 Low Moorgate, Rillington. Outline Planning permission was granted in 2014 for the Phase 1 proposals (application no. 13/00652/MOUT, for the erection of 10 dwellings, associated vehicular access and erection of detached double garage for no 56) for the land within the development limits of the adopted Ryedale Local Plan. This application is for Outline approval for an additional 15 dwellings to the land to the rear, utilising the access previously approved as part of the Phase 1 development. As per Phase 1, Reserved Matters approval is again sought at this stage for access, layout and scale in so far as they are set out in drawings AP 180:101 Proposed Site Layout Plan and AP 180:103 Proposed Streetscape Elevations. This Planning Statement should also be read in conjunction with the following supporting documents:

- Design and Access Statement AP Design Services
- Flood Risk Assessment Haigh Huddleston & Associates
- Drainage Feasibility Study Haigh Huddleston & Associates
- Ecological Assessment MAB Environmental & Ecology Ltd
- Tree Report Rosetta Landscape Design
- Archeological Geophysical Phase Site Investigations  
Survey

1.2 This Statement outlines the site and surroundings and the nature of the proposed development. It sets out the relevant planning policy context at national, regional and local level and assesses the proposed development against this policy.

## 2.0 SITE AND SURROUNDINGS

- 2.1 The application site comprises an area of approximately 0.69 hectares (1.71 acres) located in the north-western part of Rillington, east of Low Moorgate and north of Manor View. It lies immediately to the east of the Phase 1 site (an area of approximately 0.42 hectares (1.05 acres)). The combined site of approximately 1.11 hectares (2.76 acres) will accommodate 25 new dwellings, as well as the existing house at 56 Low Moorgate. The Phase 1 site where development is already approved comprises overgrown extended garden land of 56 Low Moorgate and an adjoining paddock land to its north, which was occasionally used on an ad hoc basis for the grazing of sheep. The Phase 2 site comprises the residual disused garden / former orchard of no 56, the residual part of the paddock immediately to the east, as well as disused stable buildings and associated land immediately to its north which forms part of the grounds of Barnfield (an adjoining bungalow).
- 2.2 Surrounding land uses are predominantly residential. The site is well related to the existing settlement, is contained by existing and approved housing to the west and south, and to the east by an established tree belt. To the north is open countryside. The current paddock is an 'anomaly' in the current street-scene as it provides a break in the frontage of a generally rural residential street, that is lined with houses of various ages, sizes and character, to reflect the fact that the village has grown organically. Hence the front portion (Phase 1) now has the benefit of planning consent for residential development for what is, essentially, an 'infill' development.
- 2.3 The surrounding houses are a mix of 2 storey detached and terraced houses, bungalows and dormer bungalows, which are mostly set back from the highway to create a natural building line. Houses on the east side of Low Moorgate front either directly onto the highway or are set back within garden walls, although there already exists some 'backland' development of dwellings (such as Byland Lodge and Barnfield). However, those on the west side are pleasantly located beyond the grass verge and beck that characterises the rural nature of the village. Newer modern housing, such as at Manor View to the south of the site, is typical of the many estates that have been developed in the village where detached and semi detached dwellings in small private gardens have been laid out in cul de sacs.
- 2.4 Site topography falls gently from east to west. There is a very slight fall from south to north. Site boundaries are a mix of trees, hedges, walls and fences, typical of those found in a village residential area. Existing features are retained where practicable, as set out in the Design and Access Statement and Ecological Assessment.
- 2.5 The adjoining Phase 1 site was unallocated under the provisions of the adopted Ryedale Local Plan and was not subject to any statutory designations in respect of any ecological landscape or historic interest. However it lay within the current development limits of Rillington; hence the site was 'split' into two phases to ensure that the Phase 1 proposals would be policy compliant with the adopted Ryedale Local Plan as the replacement Ryedale Plan was still not detailed enough to be a material consideration at that time. By nature, the site as a whole resembles more of an 'infill' site and its development would complete the

streetscape in this part of the village, whilst providing much needed additional housing in this designated Service Village.

- 2.6 The site has good accessibility to village services such as shops, schools, leisure / community facilities and surrounding public transport links. Supporting its status as a Service Village, and within easy walking distance of the site, is a primary school, post office / village shop and other local shops, church, public house, village hall and a large area of public open space including cricket, football and children's play facilities. The latter in particular is outdated and would benefit from upgrading. Regular buses travel to the nearby towns of Malton (with its train station) and Norton, as well as further afield to York, Tadcaster and Leeds to the west and to Scarborough, Filey and Bridlington to the east. Both the site and the village are therefore sustainable and easily accessible to employment, shops and other local services.

### **3.0 THE PROPOSED DEVELOPMENT**

- 3.1 The proposed development is for the erection of 16 dwellings comprising:
- 3 two bed houses
  - 2 three bed houses
  - 10 four bed houses of various sizes
  - 1 five bed house
- 3.2 Based upon a net developable area of 0.69 hectares, the development proposes a density of 23 dwellings per hectare. This reflects both NPPF and Local Plan advice to optimise the development of housing sites, but at a density that respects the rural nature and character of its surroundings. It is proposed that the 11 four and five bed houses are for open market sale and the 5 two and three bed houses will be affordable dwellings. The Design and Access Statement seeks to set a 'design code' for any future Reserved Matters application. It is proposed that all dwellings will be two storeys in height as per many of the surrounding dwellings, be designed to fit in with the local vernacular (see Proposed Streetscape Elevations) and be constructed in compatible materials.
- 3.3 A single vehicular access point was approved for the new development from Low Moorgate, immediately north of 56 Low Moorgate. The access road for the new development was designed in consultation with North Yorkshire County Council Highways officers. As an Informal Access Road, it is capable of being extended to serve circa 25 dwellings and so was designed at that time to serve the Phase 2 land in due course. This shared surface road was designed to retain the rural character of the village and yet provide a safe environment for cars, cyclists and pedestrians alike. Its detailed design, including visibility splays and indicative drainage, were approved as part of the Phase 1 approval. Therefore, the Phase 2 development now proposed leads off the existing approved access into informal cul de sacs, to retain the previously approved informal rural character of the proposals that the Planning Committee complemented when the previous application was considered.
- 3.4 The proposed indicative layout seeks to retain existing trees and hedges where practicable, and proposes supplemental planting to soften boundaries and streetscapes.
- 3.5 Full details of the proposed scheme are shown on the drawings AP 180:101 Proposed Site Layout Plan and AP 180:103 Proposed Streetscape Elevations and Design and Access Statement accompanying the application.

## **4.0 TECHNICAL REPORTS**

- 4.1 A number of Technical Reports have been commissioned in respect of the proposed development and these accompany the application. A summary of the key points from each of these Reports is set out below. For further details, reference should be made to the full Reports.

### **Design and Access Statement**

### **A P Design Services**

- 4.2 The Design and Access Statement sets out the design principles that have been followed in establishing proposals for the site and how issues relating to access have been addressed. It follows good practice guidance as set out in DCLG Circular 01/2006 and in Section 6 of DCLG's Guidance on Information Requirements and Validation (March 2010) in that it is concise and takes a proportionate approach, while effectively covering all of the design and access issues for the proposed development.
- 4.3 The Phase 2 proposals are an extension of the approved Phase 1 development and use the access and follow the same design principles as those already approved. The proposals are designed to be developed as a comprehensive site by a single developer and it is important that a similar quality and mix of dwellings types and build standards are approved to allow this to be achieved. The form of development has been shaped by a number of considerations:
- The existing and approved houses adjacent to the site are built and designed in a variety of architectural styles. The proposed Phase 2 development has been designed to keep in scale with the existing buildings and surrounding area and also in context with the previously approved houses on the adjoining Phase 1 development.
  - The linear nature of the site allowed an Informal Access Road to be used that meets NYCC Highways design guidance to provide a safe environment for both vehicles and pedestrians and yet respects the rural nature of the locality. NYCC's Design Guide states that this road is designed to accommodate around 25 dwellings. The Phase 1 proposals gave approval for 10 new dwellings. However, it is now proposed that one plot be 'transferred' to Phase 2 (plot 10) and hence the Phase 2 proposals are for 16 dwellings, thus bringing the total number of dwellings of the combined site to be serviced off the access road to 25, in accordance with the Design Guidance.
  - A mix of house sizes and types are again proposed to meet a range of housing demand and needs and yet reflect the mix of dwellings surrounding the site. A mix of terraced, semi detached and detached dwellings are proposed, with detached dwellings in particular used on boundaries with the countryside to retain rural views from the street.
  - The rural nature of the site is also retained through long distance views of the countryside looking down the new access road, with a focal point of an attractive house at its head. This is repeated at the head of the cul de sac to the north, thus creating attractive streetscapes.

- Trees and hedges are retained where practicable to soften the development, provide screening for neighbouring properties and assist ecological considerations. New planting is also proposed, particularly on site boundaries.
- 4.4 The Statement confirms that the site has good accessibility to village services such as shops, schools, leisure / community facilities and surrounding public transport links. It will also meet good practice regarding sustainability and climate change mitigation. It concludes that the proposals will create a high quality development that will have its own character and yet fit in well with the village's vernacular.

#### **Flood Risk Assessment**

**Haigh Huddleston & Associates**

- 4.5 As per Phase 1, the Flood Risk Assessment confirms that, based on the Environment Agency's Flood Risk Maps, the site does not fall within the 0.1% Flood Risk and nor does it fall within the 1% Flood Risk Area. It therefore falls within the low probability Flood Zone 1. Based on these simple criteria, the sequential test is met and the development is considered appropriate.

#### **Drainage Feasibility Study**

**Haigh Huddleston & Associates**

- 4.6 As outlined in the Reports and in the Flood Risk Assessment above, as per Phase 1, ground investigation and soakaway tests undertaken immediately after a prolonged period of wet weather and surface water flooding have again confirmed that the site is suitable for the use of infiltration systems. Each dwelling or group of dwellings would have a private soakaway to allow surface water from rainfall events to dissipate into the ground. The highway can be drained to soakaways situated immediately to the rear of highway surfaces so that regular maintenance can be achieved at all times. Thus there will be no discharge of surface water from the site into the combined sewer in Low Moorgate.
- 4.7 Foul drainage can connect to the existing combined sewer in Low Moorgate which appears to be sufficiently deep enough to service the proposed development, although some localised raising of plots (13 – 17) may be required.
- 4.8 Therefore the surface water solution (ie infiltration systems) for the proposed development meets the preferred hierarchy solution of the Environment Agency, Yorkshire Water and NYCC and the foul drainage can be satisfactorily accommodated.

#### **Ecological Assessment**

**MAB Environmental & Ecology Ltd**

- 4.9 Following surveys in 2012 and 2013 for Phase 1, MAB Environmental & Ecology Ltd surveyed the Phase 2 site in summer 2015 during the appropriate survey seasons to assess the potential impact of the proposed development on habitats and protected / notable species, provide any necessary mitigation proposals and assess the requirement for protected species

licensing. The work was undertaken in conformity with the previous work undertaken previously with Ryedale District Council's Ecologist to ensure that the scope of works undertaken is satisfactory and appropriate to an Outline application of this nature.

- 4.10 Bat roost records for a 2km radius around the site were commissioned and any buildings on site were assessed for their degree of potential to support roosting bats. There was no fresh evidence of bats in the buildings (including the stables) and an emergence survey confirmed that they are not used for roosting. No further survey work is required, although it is recommended that demolition follows good working practices and precautionary measures.
- 4.11 There are no breeding bird or barn owl issues within the outbuildings. There is potential for breeding birds in trees and shrubs to be removed and the Method Statement at the end of the Ecological Assessment Report should be used to avoid disturbance to nesting birds. This recommends that the removal of any hedging, shrubs or trees that may be suitable for bird breeding should be timed to avoid the bird breeding season or, if undertaken within this season, that an ecologist supervise the removal of such vegetation to check for signs of nesting activity and ensure no nests are disturbed.
- 4.12 A Phase 1 Habitat Survey was carried out. This confirms that the majority of the site comprises amenity grassland within gardens, a mature garden / orchard area and semi-improved grass paddock. No notable or protected habitats will be affected by the development.



## 5.0 STATEMENT OF COMMUNITY INVOLVEMENT

5.1 The Council's own Statement of Community Involvement (adopted November 2006) defines 'major' applications as 'developments of **over** 10 dwellings or commercial developments extending to over 1,000 square feet in size', those 'that can be considered significant in terms of local importance, environmental impact or relating to an issue, location or impact that could be considered as contentious or controversial (therefore eliciting significant local interest)', or 'any application that is not in line with existing development plan policies'. This varies slightly from the directive available at that time contained in the Town and Country Planning (General Development Procedure Order 1995 which defined a 'major application' for housing as one of 10 dwellings or more or on a site of 0.5ha or more. This definition is reconfirmed in current updated advice contained in the subsequent Town and Country Planning (Development Management Procedure) (England) Order 2010 where "major development" means development involving any one or more of the following:

'(c) the provision of dwellinghouses where —

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i).'

This planning application lies within the settlement's existing and proposed amended Development Limits and complies with the adopted Ryedale Plan – Local Plan Strategy policies, and is for 16 new dwellings (an additional 15 to the 10 previously approved on the adjoining Phase 1 land to the west, with 1 dwelling 'relocated' from the Phase 1 site to Phase 2 to improve the amenity of the retained house at 56 Low Moorgate and lessen the impact on its immediate neighbour). Whilst the application is not considered to be contentious, under the Regulations it is defined as a 'major' application.

5.2 In view of the above and in line with the NPPF and other Government statements re Localism, it was considered important during preparation of the Phase 1 proposals to explain and set out the longer term intentions to develop Phase 2 and therefore to consult with and keep neighbours surrounding the site informed at that time. Likewise, the proposals were also discussed with the local Ward Member as well as Rillington Parish Council, thereby meeting and exceeding the minimum requirements advocated by the Council's Statement of Community Involvement.

5.3 The neighbours surrounding the site were initially consulted when site investigations were being undertaken in 2013 and were generally supportive of the principle of the site's development, and its potential extension in the future. It was appreciated that they would wish to ensure that their amenity is protected and therefore the landowner made reasonable endeavours to meet with as many neighbours as possible, prior to the submission of the application, to show them the layout proposals. The majority, including those living opposite the site on the west side of Low Moorgate, considered that the proposed development would have little affect on their property and their amenity, although there were some representations made to the Council when the application was submitted. Only the owner of 62 Low Moorgate, immediately adjoining to the north of the existing paddock, outlined concerns about his view onto the back of the house proposed on plot 1 and their potential loss

of privacy should any windows on the side elevation of the new property overlook his house and garden. In consultation with the planning officer and the neighbour, the plot was carefully re-positioned in a set back position to avoid overlooking to the front and rear, and to create an attractive streetscape onto Low Moorgate. No windows were included in this elevation in order to protect the amenity of no 62.

- 5.4 The Phase 2 proposals are set back away from the Low Moorgate frontage and therefore will have minimal impact on the streetscape. The nearest house affected, Barnfield, to the north, is owned and lived in by one of the site's landowners and his views were sought during preparation of the proposals. The proposal to relocate 'plot 10' from the garden land of no 56 in Phase 1 to the new Phase 2 will reduce the impact on the garden of 52 Low Moorgate and should therefore be welcomed.
- 5.5 The proposals are to be presented to Rillington Parish Council and the local Ward Member at its next meeting on 14 March 2016 to ask for their detailed views. They are already aware of the site as the previous consultation for Phase 1 (undertaken in 2013) set out both the details of the Phase 1 development, as well as the intention to promote the site's extension during the Local Plan process, when no adverse comments were received. The Parish Council has been involved in consultations by Ryedale District Council during the various stages of the Local Plan Strategy and Local Plan Sites documents, and the minutes of Rillington Parish Council dated November 2015 confirmed their position that they *'felt that if all the proposed areas of land were developed it could lead to a three- fold increase in the number of local houses. It was felt that there is a lack of infrastructure to cope with such an increase. Traffic on the already busy A64 would increase substantially, with the existing level of traffic already requiring a by-pass to be built. The local school was already at capacity.'* Representations were to be made to RDC accordingly. However, it should be noted that no site specific representations / objections were made on the preferred development site located within Rillington: Site 638 (this site), described as *'Land to the east of Low Moorgate and north of Manor View, Rillington (circa net additional 17 dwellings).'*
- 5.6 At the previous consultation, the Parish Council did not object to the principle of the site's development but requested a mix of 'affordable' housing to allow the opportunity for more locals to potentially access homes of a suitable size and tenure. They suggested a mix of 2 and 3 bed homes and a mix of housing tenures (for rent and intermediate tenure) and, in anticipation of this, this has been replicated in the Phase 2 proposals. It was agreed for Phase 1 that the size and scale of the application meant that the POS requirement would be appropriately met by an off-site commuted sum which would allow the Parish Council to upgrade its existing facilities; for Phase 2, the application lies below the on-site threshold and CIL will allow further funds to be provide to supplement the upgrading works desired. It is hoped that the forthcoming discussions will assist the Parish Council in formally responding to the planning application when consulted by Ryedale District Council in due course.
- 5.7 The planning application site is relatively small and part lies within the current settlement's development limits and part is the Council's preferred residential development site in the village. It is therefore hoped that the principle of the site's development is accepted as set out above and that comments in due course will relate to the quality of the proposals. Any

comments received as a result of these discussions will hopefully assist the negotiations with Planning Officers once the application is submitted and can inform the detailed design of any Reserved Matters application in due course.

## 6.0 PLANNING POLICY CONTEXT

### National Planning Policy

- 6.1 National policy is now contained in the National Planning Policy Framework (NPPF), issued by the Government in March 2012. It replaces the Planning Policy Statements (PPS) and the majority of their technical guidance supplements. The NPPF sets out under Annex 1 the way in which it is to be implemented following publication. It makes clear how development plan policies should be treated in terms of material considerations in relation to the determination of planning applications. Paragraph 214 sets out that full weight should be given to policies adopted since 2004 (subject to the caveat at footnote 39) for 12 months from the day the NPPF was published. Paragraph 215 sets out that following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 6.2 The NPPF is therefore a material consideration in all planning decisions. The starting point for all decisions on applications is the local development plan unless material considerations indicate otherwise. There is now an accepted presumption in favour of sustainable development and this is to be seen as 'a golden thread running through plan making and decision taking'. Therefore, development proposals which accord with the development plan should be approved without delay. If the development plan 'is absent, silent or relevant policies are out of date', planning permission should be granted 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.
- 6.3 The whole of the NPPF elaborates on what constitutes sustainable development for the purposes of planning policy and interpretation. Essentially it is summarily defined as having three dimensions: economic, social and environmental. These three dimensions are mutually dependant. 'Therefore, to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system'. (Para 8)
- 6.4 A set of 12 core planning principles are established in Paragraph 17 of the NPPF and these are to underpin plan making and decision taking. These include:
- Decisions being plan led with a high degree of predictability and efficiency.
  - Should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve places in which people live their lives.
  - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
  - Seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
  - The transition to a low carbon future is to be supported, including taking full account of flood risk.

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 6.5 In the first section of the NPPF under the heading 'Building a strong competitive economy' there is recognition that the lack of sufficient housing can be a barrier to investment. Sustainable economic growth is to be positively and proactively encouraged.
- 6.6 Section 6 of the NPPF deals with the delivery of a wide choice of quality homes. The supply of housing is to be significantly boosted. A five years deliverable land supply is to be maintained with an additional 5% buffer supply to ensure choice and competition in the market for land. This buffer is to be increased to 20% where there has been a record of persistent under-delivery of housing. The Inspector who considered the Ryedale Core Strategy concluded that Ryedale is a local authority that has a record of persistent under-delivery with the Council confirming that it did not have a five year land supply. The housing and economic policy requirements of the Local Plan Strategy have been formulated accordingly.
- 6.7 All housing applications are to be considered in the context of the presumption in favour of sustainable development. If the local planning authority (LPAs) cannot demonstrate a five years supply of deliverable sites, then the relevant policies for the supply of housing should not be considered up to date. A good mix of types of housing are to be provided in order to deliver a wide choice of high quality homes and to widen opportunities for home ownership. Where an affordable housing need has been identified, policies should seek to meet this need on-site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- 6.8 To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPAs should avoid new isolated homes in the countryside unless there are special circumstances.
- 6.9 Section 7 of the NPPF sets out the general policy expectations for achieving high quality design. '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 better places for people.'
- 6.10 Planning policies and decisions should establish a strong sense of place, optimise the potential of the site to accommodate development and respond to local character and be visually attractive as a result of good architecture and appropriate landscaping). (Para 58)
- 6.11 LPAs are to approach decision taking in a positive way in order to foster the delivery of sustainable development (para 186). LPAs should look for solutions rather than problems .....

and applications for sustainable development should be approved wherever possible (para 187). Pre-application engagement and the 'frontloading' of negotiations is strongly encouraged (paras 188 to 195).

- 6.12 LPAs should only use planning conditions and obligations where these are necessary to make a development acceptable. Planning obligations in particular must be directly related to the development and fairly and reasonably related in scale and kind (para 204). LPAs should take account of changes in market conditions over time and be sufficiently flexible to prevent planning development being stalled. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all respects (paras 205 and 206).

### **Local Planning Policies**

- 6.13 The relevant local policies in the adopted development plan are contained in the Regional Strategy for Yorkshire and the Humber (RSS – adopted May 2008) and the Ryedale Local Plan (adopted 2002). The Order to revoke the RSS (as amended, to retain the York Green Belt) came into force on 22 February 2013 and therefore its policies can no longer carry any weight. The Ryedale Local Plan was adopted in 2002 and was, until recently, the adopted statutory Development Plan for the District. In September 2007 a number of policies within the Plan were confirmed as 'saved' until such time as they are superseded by adopted policy from the emerging LDF. Until the full suite of LDF documents are adopted, Ryedale District Council will not have an up to date development plan. The implication is that due weight must now be given to the policies in emerging LDF documents, but only to the extent that any draft policies are consistent with the NPPF, evolving national policy and any documents of the Plan adopted to date.
- 6.14 The Council is currently progressing through the various steps required to replace the adopted Ryedale Local Plan with the new style Local Plan. The Local Plan will consist of a number of documents which are topic specific and subject to separate drafting processes, including independent examination by an Inspector on behalf of the Secretary of State, prior to adoption. The new development plan will be known as The Ryedale Plan and will comprise the Local Plan Strategy (the Core Strategy) document, the Local Plan Sites (Sites Allocation) document, the Helmsley Plan and Proposals Map. On 5 September 2013, Ryedale District Council adopted the Ryedale Plan - Local Plan Strategy Development Plan Document (DPD). The Ryedale Plan – Local Plan Strategy is part of the new replacement Local Plan for the District. It sets out the long-term vision, objectives and planning strategy for 15 years to 2027. The adoption of the Ryedale Plan - Local Plan Strategy means that almost all of the 'saved' Ryedale Local Plan Policies adopted in 2002, have now been replaced. However, whilst most of the policies have been superseded, the adopted proposals maps for the district and towns and village inset maps currently remain as part of the Development Plan.
- 6.15 Whilst work on the Local Plan Strategy was being undertaken, the Council approved its Site Selection Methodology and a deadline of 28 February 2013 was set for the submission of sites for consideration for allocation in the Local Plan Sites Document, which were then all

assessed through a carefully considered Site Selection Methodology. On 31 March 2015, Ryedale's Planning Committee considered the Local Plan Sites Document: Preferred Site Options (Service Villages and Kirkbymoorside) and resolved to adopt all of its recommendations. The recommendations agreed included that *'all of the sites in locations outside of the Market Towns and Service Villages (and not included in the tables within Appendix 2) are not taken forward a part of the site selection process'* and that *'the sites listed in paragraph 6.21 are consulted on as preferred development sites for the Service Villages'*. Thus, of the over 600 sites put forward throughout the District and assessed by officers through the Site Selection Methodology, only 4 sites were approved by the Planning Committee as proposed housing allocations to fulfil the needs of the Service Villages. One of these is Site 638 (this site), described as *'Land to the east of Low Moorgate and north of Manor View, Rillington (circa net additional 17 dwellings)'*. A similar report was taken to the Planning Committee regarding the Market Towns the following month. The Council undertook a full public consultation on its preferred sites in the Service Villages and potential option sites in the Market Towns from 2 November to 14 December 2015 and officers are currently considering the responses received.

- 6.16 The adopted Ryedale Local Plan Proposals Map and linked settlement commentary (see Inset 64) described Rillington as a large village that extends in four directions away from the central crossroads formed by Low Moorgate, High Street, Scarborough Road and Westgate. It stated that it contained a good range of community facilities and lay within 6 miles of Malton / Norton, the largest settlement in the Plan area. It was considered that the settlement had the ability to accommodate a limited amount of further housing growth without harming the basic form or character and without encroaching unacceptably into the open countryside. The Ryedale Plan - Local Plan Strategy recognises that, with approximately half of the District's population living outside of the main towns and in villages or more isolated locations dispersed across the District, those limited number of villages which do support a range of services and have good public transport links to the Market Towns should continue to perform this important support function. Consequently, in order to help sustain these facilities and to provide some additional housing choices for local communities, some new housing development is directed to a number of identified Service Villages. These are locations where it is considered appropriate to locate new small-scale housing development. Due to the availability of educational, commercial and community facilities available in Rillington, the village retains its status as a Local Service Centre and is a designated 'Service Village' in the newly adopted Local Plan Strategy. Thus, of the Council's preferred residential development sites for the Service Villages for the Local Plan Sites Document, the site at Low Moorgate is designated to fulfil this purpose.
- 6.17 The Phase 1 development site, previously approved, was located wholly within the adopted Ryedale Local Plan's Development Limits of Rillington. The Phase 2 land that is the subject of this application is located immediately to its east and is mainly outside of the adopted Development Limits, although the part comprising the land of the former stables is immediately to the north of the Phase 1 site and is within the current adopted Development Limits. However, the purpose of the Local Plan Sites Document is to allocate further sites for the next Plan period and to 'roll back' the current Development Limits to include the new allocations within the amended settlement limits, thereby updating them as part of the

replacement Ryedale Plan. Thus when the Local Plan Sites Document is adopted (assuming that no changes are made following the recent consultation), the site will become a designated housing allocation where new housing is expected to be delivered at an early date to meet local housing needs.

6.18 Local Plan policies of the adopted Ryedale Plan - Local Plan Strategy relevant to this application are summarised as follows:

SP1 GENERAL LOCATION OF DEVELOPMENT AND SETTLEMENT HIERARCHY states that Ryedale's future development will be distributed and accommodated in line with the Spatial Strategy Summary and on the basis of the following hierarchy of settlements:

- Principal Town - Primary Focus for Growth
- Local Service Centres (Market Towns) – Secondary Focus for Growth
- Local Service Centres (Service Villages)- Tertiary Focus for Growth

SP2 DELIVERY AND DISTRIBUTION OF NEW HOUSING states that the delivery of at least 3000 (net) new homes will be managed over the period 2012-2027. The new housing land allocations are to be distributed as follows:

- Malton and Norton – 1500 dwellings (50%)
- Pickering – 750 dwellings (25%)
- Kirkbymoorside – 300 dwellings (10%)
- Helmsley – 150 dwellings (5%)
- Service Villages – 300 dwellings (10%)

As one of the designated Service Village, Rillington is expected to take its appropriate share of residential development and this site has been proposed and consulted on as one of the Council's *'preferred development sites'* accordingly.

SP3 AFFORDABLE HOUSING requires 35% affordable housing to be provided on site, where need exists, as part of developments of 5 dwellings or 0.2ha or more. Where the on-site contribution does not equate precisely to whole numbers of units, equivalent financial contributions will be sought. This will be achieved by negotiations with developers and landowners to secure a proportion of the new housing as affordable units. In negotiating schemes, the Local Planning Authority will look to maximise provision to achieve these targets, having regard to the circumstances of individual sites and scheme viability. Developers / landowners will be expected to conduct negotiations on an 'open book' basis where the full 'quota' sought is considered unviable. The size, type and tenure of affordable units will be expected to reflect the affordable housing needs in the locality. Affordable housing contributions should comprise both social and affordable rent tenures as well as intermediate tenure types. However, the Planning and Housing Bill 2015-16 currently progressing through Parliament will also be a material consideration as there may also be a requirement to include 'Starter Homes' within this provision.

SP4 TYPE AND MIX OF HOUSING seeks to secure an appropriate mix of housing on new development schemes and safe residential environments. The type and size of new housing will be expected to address identified stock imbalances or, alternatively, in those locations where the stock is currently more balanced, to ensure a range of dwelling types and sizes are



provided in order to retain a balanced housing stock and provide choice in the housing market. To ensure housing is well designed and supports safe and inclusive communities, adequate private individual amenity space will be required to be provided as part of the development of new houses or retained as existing homes are extended. Outdoor environments should be designed to be safe and inclusive and to take account of the requirements of people of all ages and abilities

SP10 PHYSICAL INFRASTRUCTURE relates to physical and community infrastructure and any required infrastructure improvements, although the majority of these relate to the main towns rather than the Service Villages. The policy acknowledges that where some upgrading may be necessary or desirable (although most are marked as 'Low' risk in the analysis tables), the developer contributions and CIL, together with Public Funding / Capital Programmes of public sector service providers and the various Infrastructure utility providers, will fund those upgrading works required to local infrastructure.

SP11 COMMUNITY FACILITIES AND SERVICES supports the expansion of and improvements to local facilities, as well as new provision in appropriate locations, and sets out requirements for community facilities including open space, recreation and leisure facilities. It is noted that the number of dwellings proposed in the application falls below any of the thresholds listed in Table 4. However, CIL will allow some contribution to be passed to the local community.

SP16 DESIGN states that 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; and protect amenity and promote well-being. Furthermore, to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings.

SP18 RENEWABLE AND LOW CARBON ENERGY requires that for all new build residential development, the proposal demonstrates that it meets the highest 'Code for Sustainable Homes' standard (or its successor) that is feasible and viable on the site. Currently only part of these standards is to be mandatory through Building Regulations because the Council considers that Building Regulations have a minimum or lowest common denominator approach to all building types in different locations. These standards will apply until a higher national or locally-determined standard is required. In Ryedale all development should be built to as high a standard as is feasible and viable. However, any requirements sought will still need to meet Government advice and ensure that any consent remains marketable and consequently implementable.

SP19 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT states 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. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that

accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise.

SP20 GENERIC DEVELOPMENT MANAGEMENT ISSUES reiterates the Council's commitment to the preservation of the District's character, good design, amenity and safety, and suitable access, parking and servicing in new developments.

SP22 PLANNING OBLIGATIONS, DEVELOPER CONTRIBUTIONS AND THE COMMUNITY INFRASTRUCTURE LEVY confirms that new development will contribute to the place-making objectives and aspirations of this Plan and to the infrastructure necessary to support future development in the District. The Local Planning Authority will continue to negotiate planning obligations/ developer contributions and will now (from 1 March 2016) charge a Community Infrastructure Levy (CIL) to address the necessary improvements to social, physical or utility infrastructure which are required as a result of new development. Planning obligations will be sought to regulate development, to address necessary on-site mitigation measures to address its impact or to provide compensation for the loss or damage to a facility, feature or resource of acknowledged significance. In negotiating contributions, the Council states that it will have regard to development viability; any proposed reduction in contributions will be weighed in the balance against the benefits of a scheme.

## 7.0 THE PLANNING CASE

- 7.1 The proposed development is highly sustainable and combines benefits under the economic, social and environmental dimensions of sustainability:
- The creation of 15 additional dwellings (over and above the 10 already approved under Phase 1) is an efficient use of the extensive garden and adjoining paddock and stables areas that are now surplus to requirements. This contributes to helping meet the considerable need for housing in a variety of locations that exists in Ryedale.
  - The development contributes to the social dimension by providing additional housing, including affordable housing, to meet the needs of the present and future generations. It will create a high quality built environment in an accessible location with reasonable access to local services and employment, which is outside but also within easy access of the main market town of Malton / Norton.
  - The development makes a contribution to improving the built environment and assists in achieving climate change objectives – see the Design and Access Statement, Flood Risk Assessment, Drainage Feasibility Study and Ecological Assessment summaries above and the Reports which form an integral part of this application.
- 7.2 The starting point for considering all applications is the Development Plan. If a proposal is in accordance with an up to date Development Plan, it should be approved. The Ryedale Plan - Local Plan Strategy (adopted in September 2015) is part of the new replacement Local Plan for the District and sets out the long-term vision, objectives and planning strategy for 15 years to 2027. But until the Local Plan Sites Document is adopted, the district and towns and village inset maps of the previous adopted Ryedale Local Plan are 'saved' and remain in force. The recent consultation on the Local Plan Sites Document: Preferred Site Options (Service Villages and Kirkbymoorside) included the application site as one of only four '*preferred development sites for the Service Villages*' and so this should also be a material consideration as a strong indication of the Council's support for its development. The application site lies partly within the settlement's Development Limits of the retained adopted Local Plan Proposal Maps Village Inset and part within the newly proposed preferred development site. The adopted Local Plan Strategy confirms the re-designation of Rillington as a Service Village (where 10% of the District's housing needs should be accommodated) and one that is capable of taking a limited amount of new development. Consequently, in these circumstances the NPPF states that permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits' when assessed against the NPPF policies taken as a whole. We will demonstrate that there are no adverse effects and that there are clear benefits to the proposed development and therefore the presumption in favour of sustainable development should be followed in this case.
- 7.3 The proposals comprise a small scale residential development in a residential part of a designated Service Village, where settlement specific policies clearly support further growth from infilling and small-scale development within the defined Development Limits on the Proposals Map. Part of the site is not subject to any specific allocation or designation, apart from being included with the current Development Limits, and part is a preferred residential development site in the forthcoming Local Plan Sites Document. Whilst garden areas are not considered to be previously developed land, part of the site is overgrown garden area that is

surplus to requirements. The remaining part of the adjoining paddock (that does not already have the benefit of planning consent) is rarely used and is also surplus to requirements. Likewise, the former stables and adjoining land to the north are also disused and surplus to requirements. Furthermore, Ministers purposely omitted the term 'brownfield' from the NPPF as it supports the development of land for housing in principle in **all** sustainable locations, irrespective of whether land would previously have been classified as 'greenfield' or 'brownfield'.

- 7.4 Whilst major residential developments have been granted consent and are being developed in the main market towns of Ryedale, very little development has taken place in recent years in the designated Service Villages generally or in Rillington itself. The Local Plan Strategy is seeking to address this by directing 10% of the new housing requirement to the Service Villages, of which Rillington is considered well serviced; hence the Local Plan Sites consultation has chosen it to accommodate the preferred site. This site, together with the adjoining site with consent, will be marketed as a whole at a very early date and thus will meet sustainability objectives in the short term. Its development will not only meet housing needs by providing homes for locals but also help to underpin local services in the immediate short-term.

#### **Housing Mix and Design**

- 7.5 A mix of house types and sizes and tenures are proposed. Background evidence for the LDF revealed that the housing stock in Ryedale is generally in balance with the housing requirements of those local people who can afford to buy properties. Therefore, the proposed development of a range of two bed terraced, three bed semi detached houses, and a mix of sized four and five bed houses will provide a range of properties for those wishing to relocate either within or to the village. Provision is included within the scheme for 'affordable' housing. It is suggested that a meeting be held with the Council's affordable housing officer to agree the dwellings and tenure mix, to ensure that the proposals conform with both Council and current Government policy.
- 7.6 The Design and Access Statement shows how careful assessment has been made of the local vernacular in order that the siting and scale and indicative design of the proposed dwellings will complement the existing character of the settlement and streetscape. All of the dwellings proposed are 2 storeys in height. Dwellings have been designed to safeguard the amenity of existing and proposed dwellings and their gardens. The proposed streetscape elevations contained within and accompanying the Design and Access Statement illustrate how the dwellings are of a traditional design and will create an attractive environment, thus also meeting the tests of NPPF. The design of the approved Phase 1 development was specifically complemented by members of the Planning Committee when that application was considered; the Phase 2 proposals proposed now continue that design seamlessly so that the two sites read as one. It is considered important to maintain the same mix and design of dwellings to ensure that the sites, when marketed together shortly, are attractive to the market and are developed at an early date. Whilst the application is again only in Outline form, the

submitted documents form an integral part of the application and can be conditioned to ensure that future development is constructed to the proposed standard.

### **Public Open Space**

- 7.8 Table 4: Local Open Space Standards requires provision for Children and Young People in Villages of 1 LAP per 20 dwellings, 1 LEAP per 100 dwellings and 1 NEAP per 200 dwellings. The current application for 16 dwellings (15 net) falls under this threshold and therefore no on-site provision is required. Rillington Parish Council has previously agreed that greater community benefit will be achieved by the provision of a commuted sum as the village's existing public open space facilities at High Street - including a children's play area, cricket pavilion and football pitch – would benefit from upgrading. Even a small sum can be used as a catalyst to obtain larger funds and could be used to assist any such local proposals for the benefit of the wider community. It is hoped that the CIL that will become payable on this development that will pass to the Parish Council will prove beneficial for this purpose, together with the S106 monies they will receive upon the development of the Phase 1 site.

### **Affordable Housing**

- 7.9 A community's need for affordable housing is a material planning consideration. Policy SP3 requires 35% of new dwellings as affordable housing on-site (in settlements outside West and South West Ryedale) as part of developments of 5 dwellings or 0.2 ha or more and it is this requirement that will apply to this development. It is appreciated that the Local Planning Authority will look to maximise provision to achieve these targets, having regard to the circumstances of individual sites and scheme viability.
- 7.10 It is currently anticipated that this provision can be provided, subject to negotiations achieving a similar affordable provision of the size, mix and tenure type achieved previously on Phase 1. It is appreciated that some policy requirements have changed in that CIL has now been introduced by the Council, but it is hoped that the increased costs of CIL can partly be mitigated by the affordable provision reflecting new Government advice (as contained in the Planning and Housing Bill 2015-16 currently progressing through Parliament) which will also be a material consideration and includes the requirement for the provision of 'Starter Homes' as part of the affordable provision. As the Council's current requirement is for affordable housing contributions to comprise both social and affordable rent tenures as well as intermediate tenure types, this should now be expanded to include Starter Homes. We are confident that this will provide a good range of house sizes and tenure types that will meet the needs of those already or wishing to live and work in Rillington or nearby.
- 7.11 The reports that accompany the planning application do not highlight the need for any 'abnormal' development costs. So subject to the reasonable requirements of consultees for planning conditions and adoption costs to allow the proposals to be implemented as currently proposed, there is no current reason to assume that the Council's affordable requirements cannot be met. However, this position could change if new additional costs arise beyond

those currently known, which reflect that of Phase 1. In principle, we would anticipate that the affordable housing from both phases would be offered to a Registered Social Landlord as affordable housing on the tenure base agreed. If there is any shortfall in policy provision, we anticipate that this will be made good by way of a commuted sum, thus making the application totally policy compliant in this respect. Again, as per Phase 1, this can be secured by way of inclusion in a S106 Agreement to be attached to the planning permission. We would suggest that a meeting be held with the Council's affordable housing officer at an early date to agree the affordable provision for the proposals.

### **Highways Design**

- 7.12 There was no need to undertake new pre-application discussions with NYCC's Highways Officers as the Phase 1 application was designed in consultation with them and subsequently approved on the understanding that it would be capable of being extended in the future should the Phase 2 land be supported to accommodate the development needs of the following Plan period. The access road's design was chosen in conjunction with NYCC Highways as a road design that was in character with the rural nature of the site and to create an environment that was 'people friendly' and where cars do not dominate the environment. The design approved for the initial 10 dwellings, incorporating the required visibility splays, conforms to NYCC Highway Design Guide and was chosen as it was capable of being extended (without any alteration) in the future as it is designed to accommodate around 25 dwellings. Thus the Phase 2 proposals now link into the previously approved road for its access and extend the site to the east, with no new access required onto Low Moorgate.
- 7.13 Policy SP20 retains the Council's commitment to the preservation of the District's character and the need for good design, amenity and safety, and suitable access, parking and servicing in new developments. All of the proposed dwellings are provided with either spaces in a parking court or on-plot parking at an appropriate level commensurate with the size and anticipated occupancy of the house. A minimum of 2 on-plot parking spaces (including a garage) are provided for all detached properties. Furthermore, as per NYCC Highway Design Guide, the Informal Access Road chosen for the highway accommodates casual visitor parking within the wider sections of the core areas. Thus the access required to the site is taken from an already approved access road, with all parking and servicing requirements also satisfactorily met.

### **Drainage and Sewerage**

- 7.14 The proposed drainage arrangements for the site are set out in the Flood Risk Assessment and Drainage Feasibility Study summaries above and in the Reports which form an integral part of this application. Ground investigation and soakaway tests undertaken immediately after a prolonged period of wet weather and surface water flooding have, as per Phase 1, confirmed that the extended site is suitable for the use of infiltration systems. Each dwelling or group of dwellings would have a private soakaway to allow surface water from rainfall events to dissipate into the ground and the highway can be drained to soakaways situated

immediately to the rear of highway surfaces so that regular maintenance can be achieved at all times.

- 7.15 Foul drainage can connect by gravity to the existing combined sewer in Low Moorgate which appears to be sufficiently deep enough to service the proposed development. However, some localised raising of plots 13-17 may be required. However, these plots are well screened by surrounding dwellings and this will have no adverse visual impact.
- 7.16 A sustainable system of drainage is therefore achievable which meets the sustainable credentials advocated by the NPPF. The surface water from the proposed development can be satisfactorily drained using infiltration systems, thereby meeting the preferred hierarchy solution of the Environment Agency, Yorkshire Water and NYCC. The foul drainage can connect to the existing combined sewer in Low Moorgate. Suitable conditions can be attached to the Outline planning consent to ensure that the satisfactory surface water and foul drainage advocated will be achieved.

## 8.0 SUMMARY AND CONCLUSIONS

- 8.1 National Planning Policy is contained in the NPPF which is a material consideration in all planning decisions. This directs that the starting point for all decisions on applications is the local development plan unless material considerations indicate otherwise. There is a presumption in favour of sustainable development and development proposals which accord with the development plan should be approved without delay.
- 8.2 The proposals comprise a small scale residential development of 16 new dwellings (15 net, over and above the 10 already approved in Phase 1) in a residential part of a designated Service Village, where settlement specific policies in the adopted Ryedale Plan – Local Plan Strategy clearly support further growth from infilling and small-scale development within the defined Development Limits of the designated Service Villages, and will also seek the early development of the preferred development sites of the Local Plan Sites Document which is progressing through the statutory process. The development would take place on part of an extended garden, former stables and paddock land that are surplus to requirements and which lie totally within the Development Limits of the 'saved' Village inset map and the proposed preferred development site. This emphasis on the ability of the settlement to accommodate a reasonable and appropriate level of future growth is contained in the adopted Local Plan Strategy document where the settlement is designated a Service Village and that part of the site outside the current village envelope is designated a preferred residential allocation.
- 8.3 The proposals are policy compliant in all respects and there are no adverse effects and indeed there are clear benefits to the proposed development. The site is located in a sustainable location and will afford clear economic, social and environmental benefits by providing much needed housing and support to local services in a high quality development that will have its own character and yet fit in well with the village's vernacular. It will meet good practice regarding sustainability and climate change mitigation as the site lies within Flood Zone 1 and consequently meets all sequential and flood risk tests, and will utilise a sustainable drainage system thus complying with the current drainage policies of the Environment Agency, Yorkshire Water and NYCC. Furthermore, no notable or protected habitats will be affected by the development.
- 8.4 The NPPF advises that LPAs should only use planning conditions and obligations where these are necessary to make a development acceptable. Planning obligations in particular must be directly related to the development and fairly and reasonably related in scale and kind. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all respects. In respect of this application, a S106 Agreement will be agreed to secure the affordable housing and CIL will fall due and can be used to help fund any off-site public open space and infrastructure upgrading required, so making the application totally policy compliant. Suitably worded conditions may also be attached to the Outline planning consent to ensure the standard of design, drainage and ecological mitigation and compensation offered is achieved in the site's subsequent development.



8.5 We therefore advocate that the presumption in favour of sustainable development should be followed in this case and the application should be approved without delay.