

**Item Number:** 8  
**Application No:** 20/01220/OUT  
**Parish:** Rillington Parish Council  
**Appn. Type:** Outline Application  
**Applicant:** Mr Robert Rayner (Ryedale Methodist Circuit)  
**Proposal:** Erection of 1no. three bedroom dwelling (site area 0.0524 ha)  
**Location:** Land Off Low Moorgate Rillington Malton North Yorkshire

**Registration Date:** 14 December 2020  
**8/13 Wk Expiry Date:** 8 February 2021  
**Overall Expiry Date:** 11 March 2021  
**Case Officer:** Ellie Thompson **Ext:** 43326

#### CONSULTATIONS:

|                                   |   |
|-----------------------------------|---|
| Archaeology Section               | Recommend condition                               |
| Yorkshire Water Land Use Planning | No comments to make on the planning consultation. |
| Rillington Parish Council         | Objection   |
| Highways North Yorkshire          | Recommend conditions                              |
| Building Conservation Officer     | Objection   |
| Building Conservation Officer     | No Objection (verbal)                             |
| Archaeology Section               | No additional observations                        |
| Highways North Yorkshire          |   |
| Rillington Parish Council         | Objection   |
| Yorkshire Water Land Use Planning |   |

**Representations:** Mr Mark Dale, Mr Ray Darley, Mr Andrew Dorman,

---

#### Site:

The site is a rectangular plot of land which is located on the eastern side of Low Moorgate, opposite Sledgate. The plot is situated between Numbers 42 and 38 Low Moorage. Number 42 is a semi-detached two storey dwelling to the north of the application site and is a Listed Building, and as a result the application site is within the setting of a Listed Building. Number 38 is also a detached two storey dwelling and is located to the south of the site. Both of these neighbouring properties front onto Low Moorgate, with their gable walls and the southern elevation of the cross wing section of Number 42, facing the application site. Modern housing and residential gardens on Manor View are located beyond the eastern boundary of the site.

A strip of land up to and abutting the eastern boundary of the plot and stretching the width of the plot is the subject of a covenant. It is not included within the application site area.

The site is situated within the Development Limits of the village.

#### Proposal:

The application seeks outline planning permission for the erection of a three bedroomed detached dwelling with all matters reserved. Notwithstanding this, the application is accompanied by a proposed site plan and Design and Access Statement to assist consideration of the proposal. The site plan confirms that access to the site will be from Low Moorgate. It proposes a two storey detached dwelling, orientated with its principal elevation facing Low Moorgate with a single storey extension extending at right angles from part of the rear elevation. The proposed dwelling is sited towards the

southern side of the plot, with car parking spaces for two cars between the northern gable elevation of the proposed dwelling and the northern boundary of the site. The Design and Access Statement includes indicative drawings. It suggests a dwelling of traditional, double fronted and symmetrical appearance, built of brick under a clay pantile roof with timber painted sash windows and black rainwater goods.

The indicative drawings and supporting material have been revised in response to neighbouring objections and an objection from the Council's Building Conservation Officer. The initial scheme proposed a larger dwelling of greater mass and block form.

### **Policies:**

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies for the determination of this application are:

#### The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy – Policy SP1: General Location of Development and Settlement Hierarchy

Local Plan Strategy – Policy SP2: Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

#### Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

### **Representations**

Objections have been received from the occupiers of neighbouring properties (No's 42, 38 and 9 Low Moorgate and 4 Manor View) and the Parish Council. These can be read in full on the Council's website. A summary of the issues raised in response to consultation on the initial proposal and subsequently, in response to the revised material is outlined below.

Initial consultation:

- Strongly object. Our property faces south and the development will impact upon our light and privacy.
- Concerns about the type, size and material used as a boundary which will have a further negative effect on our light.
- Parking and vehicle movements are a huge concern in terms of noise and safety.
- Light pollution from security lights may be problematic.
- Access down Low Moorgate is often horrendous and there is concern about road safety due to speed of traffic and parked cars.
- Access will worsen as a result of the development.
- The size of the property dwarfs our property and our neighbours.
- The proposed siting of the building (to the south of the plot) blocks out all natural light from one of our downstairs rooms and artificial light will be needed to light this sewing room. Concerned that this would also create damp.
- Concerned that the dwelling would undermine our foundations.
- We have a repair workshop (agricultural machinery) adjacent to the plot which creates noise. Concerned that this would then impact on my business.

- Traffic will worsen on Low Moorgate. The proposed driveway does not ensure that residents will use this space to park. The street can't take any more traffic.
- Disillusioned. We understood that this land could not be built on. It will block out our light.

Revised application material

Occupiers of no.42 remain concerned about:

- Loss of natural lighting and shadowing
- Parking and vehicle movements along Low Moorgate
- Potential for light pollution from security lighting

Occupiers of no.38 have reiterated that:

- The building is too close to our property with a risk of undermining our foundations
- A smaller building would better suit the small plot
- Light would be blocked from our side window
- If the proposed driveway was between our property and the proposed new building this would ensure light and protect our foundations

Occupier of 9 Low Moorgate have reiterated:

- Concerns about traffic and road safety on Low Moorgate

The Parish Council:

- Has confirmed that it strongly objects to the application on the basis that there is an existing problem with parking on Low Moorgate which will be made worse by the development.

### **Appraisal:**

The key considerations in the determination of the application are considered below.

#### Principle of the Development

Rillington is identified as a Service Village under Policy SP1 of the Development Plan and the site is located within the development limits of the village which are established under the same policy. Policy SP2 makes it clear that in such locations infill development for new housing is acceptable in principle. The site is a small site which occupies a position on an otherwise continually developed road frontage. This is the definition of an infill site under Policy SP2. Therefore, the site is considered to meet the definition of an infill plot as set out in Policy SP2.

The proposed development is in accordance with Policies SP1 and SP2 and is considered to be acceptable in principle.

#### Heritage and Design

The northern boundary of the site abuts the boundary with Number 42 Low Moorgate (Holly Cottage) which is a Listed Building. Due to this close proximity and strong inter-visibility, the site is considered to be located within the setting of the Listed Building.

Members are reminded that in considering development which affects the setting of a Listed Building, the Local Planning Authority has a statutory duty to have regard to the desirability of preserving the setting of the building. Historic England guidance confirms that the key test in this regard is the extent to which the setting contributes to the significance and historic interest of the designated heritage asset.

In responding to initial indicative proposals, the Council's Building Conservation Officer confirmed that she had no objection in principle to the siting of a dwelling on the site as the adjacent listed building is set within a village street. She did object to the indicative design of the scheme and noted that *'The Listed Building has a narrow span and the mass of the neighbouring building to the south is broken and comprised of different elements. In my opinion, the deep plan will appear alien in this context and will not preserve the setting of the Listed Building'*. The Building Conservation Officer has verbally confirmed that the revised indicative design is acceptable. As currently proposed in the indicative supporting material the design and siting of the proposed dwelling would not result in harm to the Listed Building by virtue of the development being within its setting.

The Design and Access Statement and supporting indicative drawings and plans propose a traditionally designed building to be built of traditional materials. The dwelling is proposed to be orientated to face the street and to broadly align with the 'building line' of the street which is a dominant element of the linear built form and character of Low Moorgate. In terms of scale, the two storey double fronted design reflects the style of traditional properties in the vicinity. The single story extension proposed to be aligned at right angles to the two storey section also reflects a traditional way in which dwellings extend within relatively narrow plots.

Members are aware that the application is in outline form with all matters reserved. In order to be confident that permission can be granted for dwelling which is acceptable in terms of its design and location within the setting of the Listed Building, it is necessary that a condition is used to tie the scheme to the (Revised) Proposed Site Plan and Street Elevation. In this way, if Members are minded to approve the application, the position, orientation, scale, access and traditional appearance of the dwelling can be secured. This would ensure that the development would be acceptable in terms of Policies SP12 (Heritage), SP16 (Design) and SP20 (Generic Development Management Issues) of the Local Plan Strategy.

The site is located in an area of archaeological interest. The NYCC Archaeologist has advised that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. A condition is recommended to secure this work is recommended and is considered to be necessary to ensure accordance with the relevant requirements of Policy SP12 (Heritage).

#### Highways

Objections to the proposal include reference to Low Moorgate suffering from heavy traffic flows and on street car parking. Objectors believe that this is detrimental to the flow of traffic and to road safety, and are concerned that the proposed development will increase the amount of vehicles parked on the street. It should be noted that the Local Highway Authority has raised no objection to the proposal. The LHA has recommended conditions to ensure the provision of car parking prior to occupation and to secure appropriate construction management.

The development proposes on-site car parking that meets the requirements of the Local Highway Authority. There is no reason to assume that future occupants would not utilise the on-site parking. In addition, the proposal is for one additional dwelling. In itself this would not result in an unacceptable increase in traffic movements on Low Moorgate over and above that which is currently experienced. In these respects the proposed development is considered to be acceptable in terms of Policy SP20 (Generic Development Management).

#### Neighbouring Amenity

The occupants of three dwellings which abut each of the boundaries of the site have objected to the proposed dwelling. These include the occupants of Holly Cottage (number 42 Low Moorgate), number 38 Low Moorgate and number 4 Manor View.

Number 4 Manor View is located to the east of the application site with its rear garden adjacent to the eastern boundary of the site. The proposed garden area, together with the strip of land which is subject

to a legal covenant lies between the rear of the proposed dwelling and the boundary with number four Manor View. The intervening distance between the rear of the two storey section of the proposed dwelling and the boundary is approximately 24 metres. In this respect, it is considered that the scale and position of the proposed dwelling would not have an unacceptable overbearing impact on the occupiers of number 4 Manor View or result in an unacceptable loss of light to that property or its amenity space. There is potential for overlooking of the rear garden of number 4 from any first floor windows in the rear elevation of the proposed dwelling. However, at present, the lack of any substantial and existing boundary treatment between the properties means that the rear garden of number 4 Manor View is openly visible from Low Moorgate and views are achieved from the rear first floor windows of surrounding properties.

The proposed dwelling will be located in closest proximity to number 38 Low Moorgate. Revisions to the indicative design have amended the mass of the building and the two storey element is no longer in front of the window in the side elevation of number 38. This window is not in line with the proposed single storey rear section of the proposed dwelling and the intervening distance between the southern boundary of the site and the single storey section is approximately 7 metres. On this basis it is considered that the indicative scheme would not result in an unacceptable loss of light to this room in this property.

The occupier of number 38 has raised concerns that the proposed building could undermine his foundations. This is a Building Control and private property matter and is not a material planning consideration in this case.

The occupier of Number 38 has confirmed that he runs a small agricultural vehicle repair workshop from his site which generates noise that will impact upon the residential amenity of the occupiers of the proposed dwelling, and which could be a risk to his business. Whilst this is a relevant consideration, it is considered that this business operates within what is now a predominantly residential area. Officers are not aware of any complaints associated with this activity in this context.

In addition, no objections have been received from wider neighbouring residents raising concerns about the proximity of this use and activity associated with it. The proposed dwelling is no closer to the site than other dwellings in the locality. On this basis it is considered unreasonable to refuse the application on the basis of potential disturbance and noise from this existing use.

The occupiers of Holly Cottage are concerned about a reduction in natural lighting and shadowing. It should be noted that the two storey section of the proposed dwelling is aligned to the two storey gable of Holly Cottage. The single storey rear section of the proposed dwelling will face the southern side elevation of Holly Cottage. The separation distance between the two properties ranges between approximately 4.2 metres from the side wall of the proposed single storey section of the proposed dwelling and the boundary of Holly Cottage; to approximately 9 metres between the single-storey section of the proposed dwelling, and the single-storey section of Holly Cottage. Whilst there will be some reduction in natural light and sunlight to ground floor windows in the side elevation of Holly Cottage and the adjacent area of garden within the side return, the impact is in part mitigated by the distance between the properties and the single storey scale of that part of the proposed dwelling which would face Holly Cottage.

The occupiers of Holly Cottage have also raised concerns for the potential for light pollution arising from security/external lighting. Given the orientation of the properties, it is considered that a condition to control the use of external lighting at the proposed dwelling would address this concern.

### Conclusion

The proposed dwelling would have some impact on the residential amenity of the occupiers of adjacent properties. It is considered that these can be mitigated to an acceptable extent through the appropriate design and siting of the dwelling in line with the proposals included within the Revised

Proposed Site Plan and Street Elevation drawing. The proposal provides the opportunity to locate a new dwelling in a sustainable village location and on balance, is considered to be acceptable.

**RECOMMENDATION:**                      **Approval** subject to conditions

1            Application for approval of reserved matters shall be made to the Local Planning Authority not later than:

The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

The expiration of two years from the final approval of the reserved matters or (in the case of approval on different dates) the final approval of the last such matters approved.

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

2            No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-

- (i)            The layout, scale and appearance of the buildings, including a schedule of external materials to be used
- (ii)          The access to the site
- (iii)         The landscaping of the site

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

3            The development hereby permitted shall be built in substantial accordance with the Revised Proposed Site Plan and Street Elevation, drawing number PL50 01 Rev B (including the orientation, position, scale, and traditional appearance of the building).

Reason: To preserve the setting of the listed building and in the interests of proper planning, in accordance with policies SP12, SP16 and SP20 of the Ryedale Local Plan Strategy.

4            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 buildings that are 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 Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

5            Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

6            Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 7 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 8 A) No Demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and;
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under that condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of Investigation approved under Condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.

- 9 The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 Rev A and the following requirements.
- Any gates or barriers must be erected a minimum distance of 2 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
  - The final surfacing of any private access within 2 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

**Informative:**

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Road%20and%20highways%20and%20pavements/Specification for housing ind est roads street works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Road%20and%20highways%20and%20pavements/Specification%20for%20housing%20and%20industrial%20estate%20roads%20and%20private%20street%20works%202nd%20edition.pdf)

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

- 10 No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 11 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Details of any temporary construction access to the site including measures for removal following completion of construction works;
2. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. The parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. Details of site working hours;
6. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity and to comply with Policy SP20 of the Ryedale Local Plan.

- 12 Prior to installation, full details of any external lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the character of the area in accordance with SP20 of the Local Plan



Strategy.

- 13 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, the Local Plan Strategy.

- 14 Removal of permitted development rights.

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

**Class A:** Enlargement, improvement or alteration of a dwellinghouse

**Class B:** Roof alteration to enlarge a dwellinghouse

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

**Class D:** Erection or construction of a domestic external porch

**Class E:** Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure; or a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

**Class F:** Provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such or the replacement in whole or in part of such a surface

**Class G:** Installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse

The erection or provision within the curtilage of a dwellinghouse of

**Class H:** Installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage.

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).