



PLANNING COMMITTEE

Tuesday 20 October 2015 at 6.00 pm

West Wing, Malton School, Middlecave Road, Malton

Agenda

- 1 **Apologies for absence**
- 2 **Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.
- 3 **Schedule of items to be determined by Committee** (Page 2)
- 4 **14/00678/MOUTE - Land North Of, Castle Howard Road, Malton** (Pages 3 - 308)
- 5 **Any other business that the Chairman decides is urgent.**

Agenda Item 3

APPLICATIONS TO BE DETERMINED BY RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 20/10/15

4

Application No: 14/00678/MOUTE

Application Site: Land North Of Castle Howard Road Malton North Yorkshire

Proposal: Outline application for the demolition of outbuildings associated with the existing veterinary surgery and erection of a mixed use residential led development for a maximum of 500 residential units (including retirement home), Employment (B1a and c), Community (D1/D2) and Retail (A1/A3/A4) uses, Structural planting and landscaping, Informal public open space, Childrens play areas and Surface water attenuation

RYEDALE DISTRICT COUNCIL PLANNING COMMITTEE

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 4
Application No: 14/00678/MOUTE
Parish: Malton Town Council
Appn. Type: Major Outline Environmental Statement
Applicant: Fitzwilliam Malton Estate
Proposal: Outline application for the demolition of outbuildings associated with the existing veterinary surgery and erection of a mixed use residential led development for a maximum of 500 residential units (including retirement home), Employment (B1a and c), Community (D1/D2) and Retail (A1/A3/A4) uses, Structural planting and landscaping, Informal public open space, Childrens play areas and Surface water attenuation
Location: Land North Of Castle Howard Road Malton North Yorkshire

Registration Date: 4 December 2014
8/13 Wk Expiry Date: 26 March 2015
Overall Expiry Date: 5 November 2015
Case Officer: Jill Thompson **Ext:** 327

CONSULTATIONS:

Yorkshire Water	Recommend Conditions
Environment Agency	Recommend Conditions
Highways Agency	No objection
English Heritage	No comment
Natural England	Object
Howardian Hills Area of Outstanding Natural Beauty	Object
Vale of Pickering Internal Drainage Board	No comments
NYCC Public Rights of Way	Recommend Informative
NYCC Historic Environment Team	Support the recommendation in the trail trenching report that no further archaeological work is required
NYCC Children and Young People's Services	Comments received. Unable to support without adequate provision for additional school places and financial contributions sought
NYCC Highways and Transportation	Recommend Conditions and a range of financial contributions to be secured by a Section 106 Agreement
North Yorkshire Police Designing Out Crime Officer	Comments and observations on the development concept and advice on designing out crime
Malton Town Council	Recommend approval subject to and contingent upon a number of issues
RDC Countryside Officer	Comments regarding the need for mitigation for bats and swallows
RDC Building Conservation Officer	No objection
RDC Environmental Health Officer (Ground Conditions)	Recommend conditions
Environmental Health Officer (Noise)	Concerned over the extent to which noise standards can be achieved

PLANNING COMMITTEE

Environmental Protection Officer (Air Quality) Recommend conditions
RDC Housing Services Strongly object to the level of affordable housing proposed. Comments relating to design, size, type, mix of housing and affordable housing transfer values
RDC Tree and Landscape Officer Analysis of tree survey and identification of implications. Strongly object to the proposed removal of the lime tree (T8). Recommends re-design of the layout to avoid adverse effect on trees/ future occupiers

Neighbour responses:

Mr Stewart Frank, Mrs Hilary Bridgmount, Mr Christopher Barker, Mr Mark Sykes, Mr Christopher Paxton, Mrs Alma Sykes, Mr G.A. Rex, Samuel And Beryl Chestnutt, Colin And Diana Wealleans, Mr Barry Housden, Mrs Julie Hepworth, Mr Timothy Davies, Mr Stuart Jackson, Ms Ellen Colquhoun, Mr Graham Lake, Ms Hannah Yeung, Mr Paul Livingston, Mr Liam O'Brien, Mrs Anca Frank, Mrs Helen Keane, Miss Freya Ross, Mr Richard Keane, Mr Alan Walker, Mr Robert Rogers, James Ellis, John Paley, Mr Mark Weatherill, Mrs C Woodhouse, Mrs Sally Metcalfe, Mrs Katrina Huddie, Miss Freya Harrington, Mr Terry Herbert, Mrs Janet Sharp, Mr Andrew Nicholson, Mrs Sher Ross, Miss Kate Bosanquet And Mr Adrian Denney, Pamela Hudson Solicitor LLB, Mrs A Dean, Alexander Percy, R C Pickering, Jack & Eve Pirie, Mr Matthew Huddie, Mrs Ann Young, Rosemary Dummott, Councillor Paul Andrews, Mr Christopher Howarth, Mr Nicholas Thompson, Mrs Sheila Miller, Mrs Tanya Eyre, Dr Ian Abrahams, Mrs Alexandra Jeffries, Mr Peter Lodge, Mr Jason Donaldson, Mr Sean McClarron, Mr Richard Neal, Mrs Gill Wright, Mr Graham Lee, Mrs Margaret Dunbar, J.R. Holt, Rachel And Stuart Pirie, Janet Beal, Mrs Anne Hale, Mrs J Birch, Mr A J Cooke, Mr A Rushworth, Ms Pauline Powers, Mr Robert Gordon Murray, David Macdonald, Mrs Philippa Tumer, Mrs Ruth Harrington, Jacob Paley, Connie Paley, Rebecca Paley, John C Paley, Mrs M Paley, Mr Tim Maloney, Mr & Mrs J McConnell, Brian R Hale, Ms Joy Forbes, West Malton Residents' Group, Robert Kellock, Mr And Mrs Mcskeane, Mr John Dunstan, Mrs Karen Criddle, Mr Richard Coaker, Ms Anne-Margaret Hetheron, Mr M Knaggs, Mr John Morris, Dr Alan Suggett, B-R- Hull, Miss Sandra Pearce Mr Craig Rudd, Liz Garthwaite, Mr Matthew Harrington, Mr & Mrs Callaghan, Sue Redfern, Mrs Tracey Donaldson, Judith Chestnutt, Mr And Mrs Trevor & Anne Holtby, J.E. Loseby, Mr Stanley Bell, Mrs K Waller, Mr Lloyd Paley, Mr Brian White, Mr And Mrs Mark Rees, Selina Scott, Mr Ian Conlan, Mr Andrew Criddle, R. And G.A. Pollard, Mr Alastair Barron, Christine Roberts Holland, Mr Christopher Tumer, Mr Richard Pearson, Dr D R And Mrs M M Wilson, Mr Michael Lawless, Mr George Boyd, K Waller And M Hadfield, Mr David Metcalfe, Mrs Donna Chaplin, Mr Keith Howden, Dennis Knight, Mr David Asquith, Dr Michael Lynch, Mr Ian H Scothern, Mr David Barnet, Roy And Kay Ward, Mr Peter Lodge, Mr Ralph Lilley, Mr Simon Thackray, Rebecca Hudson, Mr John

1.0 SITE:

- 1.1 The site comprises 21.75 hectares of open fields on the western edge of Malton between the A64 and the existing built edge of the Town. It is bounded to the north by Middlecave Road and to the south by Castle Howard Road.
- 1.2 The site is surrounded by open countryside to the west which extends beyond the A64 and rises into the Howardian Hills. The residential area of Castle Howard Drive, Middlecave Road, Maiden Greve and the properties which align the private road to the property known as Uplands are located to the east of the site. Playing fields associated with Malton School are located beyond Middlecave Road to the north and beyond Castle Howard Road to the south, open farmland and allotments slope towards York Road.
- 1.3 The site occupies an elevated position relative to the Town as a whole. It is also elevated in relation to the A64, as the trunk road runs through a deep cutting as it by-passes Malton in this location.
- 1.4 The current use of the site is predominantly arable farmland. It is roughly triangular in shape and is comprised of four fields which are delineated for the most part by hedgerows and trees. These field boundaries traverse the site but also demarcate the outer boundaries of the site. A number of individual trees and several groups of trees, predominantly in the northern section of the site are the subject of Tree Preservation Orders. A veterinary practice occupies Middlecave House and adjoining paddocks/enclosures in the north-east corner of the site.
- 1.5 The south-west corner of the site is bisected by high voltage overhead power lines and one supporting pylon is located in this area of the site. Smaller overhead lines also traverse the site. A water main runs under and across the middle of the site in a north-west to south-easterly direction.
- 1.6 The Howardian Hills Area of Outstanding Natural Beauty (AONB) is situated to the west of the site and the A64. The AONB boundary is marked by the eastern edge of the long plantation which runs along Maiden Greve balk. In addition, the site lies immediately outside of the development limits for Malton which follow the rear boundaries of the properties which align the private road to the property known as Uplands and to the rear of properties along the western side of Castle Howard Drive.
- 1.7 There are no Public Rights of Way within the site. A Public Bridleway aligns the northern boundary of the site at the end of Middlecave Road and runs from Middlecave House (the existing Veterinary Surgery) across the footbridge over the A64 and into the countryside beyond until it becomes a footpath once inside the AONB.

2.0 PLANNING HISTORY:

- 2.1 83/00068/OLD (3/83/404/PA): Change of use, adaptation and extension of existing house and garages to form veterinary practice surgery accommodation and residential unit at Middlecave House - Approved 04.10.1983
- 2.2 96/00203/TELE (3/83/778/EA): Erection of 25m telecommunications tower and associated equipment housing - Refused 11.11.1996

- 2.3 96/00204/TELE (3/83/778A/FA): Erection of 25m telecommunications tower and associated equipment housing - Refused 5.11.1996
- 2.4 14/00224/PREAPP: Outline residential scheme - Land at Castle Howard Road, Malton
- 3.0 PROPOSAL:**
- 3.1 Outline permission is sought for the development of a maximum of 500 residential units including a retirement home, together with employment, community and retail uses, structural landscaping, public open space, children's play areas and surface water attenuation. Permission is also sought for the demolition of some of the outbuildings and structures associated with the veterinary surgery. (The applicant has confirmed that the outbuildings of traditional stone construction will be retained). All matters (Access, Appearance, Landscaping, Layout and Scale) are reserved. The applicant is seeking extended outline permission for a period of 10 years.
- 3.2 As well as technical information, the application is accompanied by:
- A revised Design and Access Statement (DAS)
 - A Planning Statement and Planning Statement Addendum
- 3.3 These documents include further information which has been provided for the purpose of considering the application and to articulate the applicant's ambitions for the site and vision for the scheme.
- 3.4 The DAS and to an extent, the Planning Statement confirm that it is the applicant's intention to create a new, well designed, high quality extension to Malton with a strong sense of place and identity and which is based on a model for growth which is different to that which Malton has traditionally experienced. The aim is to create a more sustainable form of development which will benefit residents of the development and the wider area.
- 3.5 Although the proposal is for a predominantly residential led scheme, a mix of uses is proposed. This includes some employment space which is compatible with residential use and a retirement home together with 'civic components' which include a shop, pub, village hall and shared public spaces including a village square, a village green and publicly accessible open space and landscaped areas. The material also indicates that is the applicant's intention that children's play facilities and allotments will be provided within the scheme. The proposal as described in the supporting documentation places a strong emphasis on the use of traditional architectural design with a layout and route network designed to benefit the pedestrian user. The DAS includes illustrations of a layout/masterplan for the site including access points on Middlecave Road and Castle Howard Road although it should be noted that these matters are not for determination at this stage.
- 3.6 The DAS and Planning Statement also confirm that it is the applicant's intention to provide a range of homes of different sizes, types and tenures with generous private garden space; that SUDS will be provided within the scheme and that the car parking provision will be provided in accordance with North Yorkshire County Council's standards.
- 3.7 More specifically, the DAS proposes a 30m - 50m wide woodland boundary along the western edge of the site designed to screen the development from open fields beyond the A64 and to screen future residents from the road and pylon corridor. The Planning Statement addendum also proposes that landscape buffer areas will be subject to a phased structural landscaping scheme.

- 3.8 The applicant has confirmed that the scheme as described in the DAS is their preferred option for the development of the site.
- 3.9 The Planning Statement proposes maximum floorspace thresholds for the non residential uses proposed as part of the application and these are considered in detail later in this report.
- 3.10 The Planning Statement and its addendum also highlight the benefits which the applicant is using to promote the scheme. A summary of the benefits included in the Planning Statement are:
- The provision of a choice of new housing not currently available in Malton
 - Provision of a supply of housing to meet a range of needs including affordable housing, retirement housing and 5% bungalows
 - New development with a strong sense of place
 - Highly accessible new development in a sustainable location
- 3.11 In addition, a summary of the benefits of the scheme which are cited in the Planning Statement Addendum includes:
- High quality design of houses and increased choice and availability of residential properties
 - Delivery of up to 500 new homes including affordable units, helping to ensure a continuity of supply
 - Opportunities for self-build through the provision of a number of self build plots
 - Village square with a range of uses with the potential for a new doctors surgery subject to NHS having a requirement
 - Significant financial contribution towards education provision and a site for a primary school
 - Significant areas of new publicly accessible open space including children's play space and allotments
 - Job creation during construction and beyond and an increased population supporting local business
 - Incorporation of sustainable building practices and green technologies where possible
 - Highway improvements and increased access to bus services in the area
 - Investment in green travel incentives
- 3.12 The Planning Statement concludes that it is the applicant's view that outline planning permission should be granted for the following reasons:
- Technical assessments submitted with the application identify no specific restrictions/a range of mitigation measures are proposed which can be formalised via pre-development conditions or legal obligation
 - It has been demonstrated that significant weight should be given to the NPPF and the Local Plan Strategy. The proposal complies with policy SP2. It will increase the choice of housing through the delivery of a high quality product not currently available, supporting increased opportunity for home ownership and creating a sustainable, inclusive and mixed community in accordance with the NPPF
 - The Council cannot demonstrate a clear five year supply of housing land. The provision of up to 500 homes will assist the Council in addressing its current identified shortfall in provision. This should be afforded significant weight.
 - The proposed development will provide 35% affordable housing in accordance with policy requirements*

- The site is well located, adjacent to the Principle Town with good access to local services and sustainable modes of transport
- The submitted illustrative site masterplan demonstrates that the application site can accommodate the proposed quantum of development and that ultimately, at the reserved matters stage a high quality design can be achieved. Non developable areas and mitigation will ensure the retention and enhancement of ecological and environmental features*

**Members should be aware that the above list is taken from the planning statement submitted with the application in June 2014 and there have been some changes to wider information supporting the application. The applicants are no longer offering to provide 35% affordable housing and the Indicative Masterplan has been withdrawn.*

- 3.13 The applicant is of the view that it is clear that the benefits arising from the scheme demonstrably outweigh any limited moderate impacts that would arise and that the presumption in favour of sustainable development in the NPPF and Local Plan Strategy carries significant weight in the overall planning assessment of the application. The Planning Statement Addendum concludes that the proposal is sustainable development which will deliver a number of benefits to the local area and that therefore it should be approved in line with (paragraph 14) of the National Planning Policy Framework

Supporting technical information, Environmental Statement and Community Consultation Statement

- 3.14 The application is also supported by a suite of technical documents which include:
- Bat Survey Report
 - Ecological Appraisal
 - Drainage Strategy and Flood Risk Assessment
 - Geo-Environmental Reports
 - Archaeological Evaluation Report
 - Noise Assessment
 - Air Quality Assessment
 - Arboricultural and Landscape Report
 - Transport Assessment and a Framework Travel Plan
 - Design and Access Statement Independent Audit. A 'Building for Life' Review
 - Agricultural Land Classification Report
 - Viability Assessment
 - Landscape and Visual Impact Assessment (including indicative landscape masterplan; indicative landscape approach and phased landscape plan)
 - Environmental Statement
- 3.14 The Environmental Statement has been prepared in response to a screening opinion issued by the Authority. This confirmed that the proposal was considered to be 'EIA' development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and likely to have a significant environmental effect, taking account the characteristics of the proposed development, potential impact and the location of the site in close proximity to the Howardian Hills Area of Outstanding Natural Beauty.
- 3.15 The applicant has not sought an EIA Scoping Opinion from the Local Planning Authority. The Environmental Statement submitted to assist consideration of the application is a single chapter Environmental Statement covering the landscape effects of the proposal.

- 3.16 In May/June 2015 the applicant submitted a significant amount of revised material and documentation. Officers have considered this material within the context of the EIA Regulations and are of the view that the revised material does not have implications for the screening opinion previously issued.
- 3.17 As well as technical material, the applicant has also provided copies of letters from three developers (Places for People, McCarthy and Stone and Zero C) confirming their interest in developing the site.
- 3.18 The applicant has prepared a Community Consultation Statement (CCS) to document the pre-application consultation that was undertaken prior to the submission of the planning application. It confirms that the applicant had pre-application discussions with the District Council and meetings and discussions with statutory consultees. Pre-application consultation and engagement also included a Stakeholder Event in March 2014 for key stakeholders by invitation. This was closely followed by a public open day/consultation event which was held in Malton having being advertised in the local press and by notices displayed in Town.
- 3.19 The Community Consultation Statement summarises issues raised at these events. It includes a response by the applicant to some of the issues raised and confirms that in response, further survey work was commissioned to understand the impact of the scheme and that some amendments were made.
- 3.20 The CCS also committed the applicant to on-going consultation over the course of the application. Officers are aware that following initial formal consultation on the application once it was received, the applicant has had further discussions with stakeholders and held a further stakeholder consultation event in September 2014. The applicant has stated that this (at that time) led to confirmation of the developer contributions by the applicant and informed some changes to the specification of some technical requirements and details, including drainage and detailed highway works.
- 3.21 It is considered that the CCS meets the broad requirements of the Council's Statement of Community Involvement and that the work undertaken addresses national requirements for applicants to engage with local communities prior to submitting planning applications for major development proposals.

4.0 APPLICATION CHRONOLOGY:

- 4.1 The application was validated by the Authority on 18 June 2014 and was submitted following pre-application advice. It is appropriate that Members understand why it has taken over one year to come before the committee. A brief summary is outlined below:
- Consultation on the application began in June 2014 after the application was validated
 - On submission, the planning application was accompanied by a Screening request under the Town and Country Planning (Environmental Impact Assessment Regulations 2011). Following consideration of the request, a positive screening opinion was issued which confirmed that the Local Planning Authority considered the proposal to be EIA development and that an Environmental Statement (ES) would be required to accompany the application. Under the Regulations, the time period for determining the application was suspended from the point at which the applicant confirmed that an Environmental Statement would be prepared (6th August 2014) and the date on which the Environmental Statement was received at the end of November 2014

- Consultation on the ES and supporting Landscape and Visual Impact Assessment (LVIA) began in early December 2014. Following discussions relating to objections received and in relation to the LVIA methodology, the applicant confirmed that they would prepare a revised Environmental Statement and new Landscape and Visual Impact Assessment. These were received in April 2015
- The applicant has also submitted further revisions to other supporting information and new information to support the application in response to issues raised by consultees or officers or to help clarify existing information. These include:
 - Revised Drainage Strategy (December 2014)
 - Revised Noise Assessment (March 2015) and Technical Note (July 2015)
 - Air Quality Assessment Update (February 2015)
 - Revised Design and Access Statement (April 2015)
 - Updated Transport Assessment (May 2015)
 - Planning Statement Addendum (May 2015)
 - Independent Design Audit of the Design and Access Statement (April 2015)
 - Agricultural Land Classification Report (February 2015)
 - Phased Landscaping Plan (April 2015)
 - Viability Assessment (April 2015)
 - Revised Viability Assessment (September 2015)
- In order to avoid consultation fatigue and confusion over the application, the applicant agreed that consultation on all of the new and revised material should take place at the same time. A further consultation began on 17th June 2015 which reflected the point at which most of the information was received in order for this to take place and to allow the consultation to proceed in accordance with the EIA Regulations.

4.2 Officers have spent a significant period of time over the course of the application considering the landscape and visual effects of the scheme and the implications of the proposal in outline form. More recently, the progress of the application has been affected by discussions prompted by the implications of the Viability Assessment which was submitted at a relatively late stage in the application process.

5.0 PLANNING POLICY CONTEXT AND DECISION TAKING PRINCIPLES:

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 The Development Plan for the area of Ryedale (not within the North York Moors National Park) consists of:

- The Ryedale Plan – Local Plan Strategy (2013)
- ‘saved’ policies of the Ryedale Local Plan (2002) and the 2002 Proposals Map
- The Yorkshire and Humber Plan (Regional Spatial Strategy):- York Green Belt Policies (YH9 and Y1)

5.3 Wider legislation places specific statutory duties on planning authorities:

- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character and appearance of that area.

- Section 40(1) of the Natural Environment and Rural Communities Act 2006 (the 'NERC' Act), imposes a duty on public authorities in exercising their functions, to have regard to the purpose of conserving biodiversity.
- Section 85 of the Countryside and Rights of Way Act 2000, places a general duty on public authorities in exercising or performing any functions in relation to, or so as to affect land in an Area of Outstanding Natural Beauty to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- All public bodies are required to comply with the rights and freedoms of the European Convention on Human Rights under the provisions of the Human Rights Act (1998).
- The proposed development is 'EIA Development' and as such the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) require that a decision on the application is made in the full knowledge of any likely significant effects on the environment.

Development Plan

- 5.4 None of the remaining 'saved' policies of the Ryedale Local Plan or the Yorkshire and Humber Plan are considered to be relevant to the assessment of this application.
- 5.5 The Ryedale Plan - Local Plan Strategy (LPS) provides recently adopted development plan policies which are compliant with national planning policy (the National Planning Policy Framework – NPPF). The current Proposals Map is the 2002 adopted Proposals Map.
- 5.6 The LPS contains strategic policies to manage development and growth across Ryedale to 2027. It seeks to integrate the need to address development needs whilst protecting the environment and landscape and securing necessary improvements to services and infrastructure. The Plan directs most new development to the Market Towns and recognises that green field extensions to the Towns will be required to address development needs. It confirms that as part of this strategic approach, Malton and Norton will be the primary focus for growth over the plan period and that within this, a greater focus (albeit not exclusive) will be placed on locating new development at Malton.
- 5.7 The following policies of the Ryedale Plan - Local Plan Strategy are relevant to the assessment of the application:
- Policy SP1- General Location of Development and Settlement Hierarchy
 - Policy SP2 - Delivery and Distribution of New Housing
 - Policy SP3 - Affordable Housing
 - Policy SP4 - Type and Mix of New Housing
 - Policy SP6 - Delivery and Distribution of Employment Land and Premises
 - Policy SP7 - Town Centres and Retailing
 - Policy SP10 - Physical Infrastructure
 - Policy SP11 - Community Facilities and Services
 - Policy SP12 - Heritage
 - Policy SP13 - Landscapes
 - Policy SP14 - Biodiversity
 - Policy SP15 - Green Infrastructure Networks
 - Policy SP16 - Design
 - Policy SP17 - Managing Air Quality, Land and Water Resources
 - Policy SP18 - Renewable and Low Carbon Energy
 - Policy SP19 - Presumption in favour of Sustainable Development

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

- 5.8 The NPPF provides national planning policy and is accompanied by practice guidance. Both are significant material planning considerations in the decision taking process.
- 5.9 The NPPF makes it clear that it is the purpose of the planning system to contribute to the achievement of sustainable development. The Framework makes it clear that there are three dimensions to sustainable development which give rise to the need for the planning system to perform an economic role, a social role and an environmental role. It confirms that the policies in the NPPF (paragraphs 18-219) taken as a whole, constitute what this means for the planning system.
- 5.10 The Framework establishes a set of core land-use principles to underpin the planning system within its overarching purpose of contributing to the achievement of sustainable development which include that planning should:
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
 - Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources
 - Contribute to conserving and enhancing the natural environment and reducing pollution
 - Promote mixed use developments
 - Conserve heritage assets in a manner appropriate to their significance
 - 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
 - Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs
- 5.11 Where specifically relevant to the application, the policies of the NPPF are referred to within the appraisal section of this report. Predominantly but not exclusively, this includes those policies which cover the following:
- Promoting sustainable transport
 - Delivering a wide choice of high quality homes
 - Requiring good design
 - Promoting healthy communities
 - Conserving and enhancing the natural environment

The Presumption in Favour of Sustainable Development

5.12 Both the Development Plan and the National Planning Policy Framework include policies which promote a presumption in favour of sustainable development to be applied in the decision making process alongside the legislative requirement that decisions are made in accordance with the development plan unless material considerations indicate otherwise.

5.13 Paragraphs 11-16 of the National Planning Policy Framework details how the presumption in favour of sustainable development is to be applied. Paragraph 12 of the NPPF makes it clear that:

“Proposed development that accords with an up to date Development Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise”.

5.14 Paragraph 14 specifically confirms that a presumption in favour of sustainable development is at the heart of the NPPF and should be seen as a golden thread running through plan-making and decision taking. It states that for decision- taking this means (unless material considerations indicate otherwise)

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

5.15 Policy SP 19 of the Local Plan Strategy is consistent with the above national presumption but makes specific reference to the Local Plan and Neighbourhood Plans; working proactively with applicants and clarifies the application of the second bullet of the national presumption. It states:

“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 of the area.

Planning applications that accord with the policies in this Local Plan (and where relevant, with policies in Neighbourhood Plans) 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 – taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted”*

6.0 CONSULTATIONS:

6.1 A brief summary of the position of statutory and non statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view on the public website.

6.2 In terms of neighbour responses, 125 letters of objection have been received from groups or individuals in response to the initial (June 2014) consultation and consultation on the Environmental Statement and Landscape and Visual Impact Assessment (December 2014).

6.3 One letter of objection has been signed by 40 residents of Hollis Court and 12 letters of objection were received from a local group of 33 members of the public - the West Malton Residents Group. 3 letters were received expressing support for the comments made by the West Malton Residents Group. In addition 6 letters expressing concern with elements of the proposed development were received. All letters are available to view on the Council's website.

6.4 A summary of the objections and concerns received is appended to this report. In brief, objections relate to:

- The scale and location of the development
- The uses proposed and associated impact on the amenity of residents
- Indicative design and implications for amenity of existing residents
- The impact on the character of the area
- Inability of infrastructure to cope with additional development
- Lack of a need for housing
- Loss of farmland
- Impact on trees and wildlife
- Impact on safety of residents
- Impact on landscape and the Area of Outstanding Natural Beauty
- Increased air, noise and light pollution
- Increased traffic congestion in Malton
- Impact of traffic on Middlecave and Castle Howard Roads
- The proposal is contrary to the plan-led system/premature
- Uncertainty associated with the outline nature of application
- Effect on house prices
- Inadequacy of the supporting information

6.5 27 letters of objection, including 14 letters of objection from the West Malton Residents Group and 1 letter expressing concern with the development have been received in response to consultation on the revised material and new documentation. A number of these objections repeat issues which have been raised during the previous consultation although further issues raised include:

- The loss of high grade agricultural land
- The Council now has a five year land supply
- Access as a reserved matter
- Limited affordable housing contribution
- No highway assessment of a new school in this location
- Concern over the accuracy and reliability of the Air Quality Assessment and its findings

6.6 Members should also be aware that a petition against the proposed development was delivered to the Council offices on 14 July 2015. The petition has 444 signatories.

12 letters of support have been received from members of the public and local businesses during the initial consultation. A summary of comments in support of the application is appended to this report. In brief, the application has been supported for the following reasons:

- Need for housing
- Support the retirement home
- Potential for contracts with local businesses
- Attention to design
- A self contained community will place less pressure on the Town
- Additional people will help the town grow which will support business

One letter has been received which does not explicitly object to or support the application.

7.0 APPRAISAL:

Principle of Development

- 7.1 The site is not allocated in the development plan for the uses proposed and consequently the principle of development of the site is not established by the development plan. The principle of development would be established if Members are minded to grant planning permission, taking account of the strategic policies of the development plan and all other material considerations.
- 7.2 The applicant has the view that the Local Planning Authority has established the principle of the development of the site by virtue of the fact that the site is included in the Council's Strategic Housing Land Availability Assessment (SHLAA) as a 'Category 1 site' and because the site is referred to in the Ryedale Special Qualities Study.
- 7.3 Neither of these documents establishes the principle for the development of the site. The SHLAA is a technical (planning policy 'off') study designed to identify theoretical housing potential to inform the plan-making process. All sites put forward for consideration through the Local Plan process have been included in the SHLAA and the document itself makes it very clear that sites included in the study have no formal planning status. This is consistent with the national Planning Practice Guidance which confirms that it is the role of a SHLAA to provide information on a range of sites available to meet need but that it is for the plan-making process to determine which sites are most suitable to meet needs.
- 7.4 The Ryedale Special Qualities Study is a technical study which has been produced to support the production of the development plan. As an alternative to the production of a district-wide landscape appraisal, the study focussed on the landscape sensitivities associated with areas of development pressure. To inform this, all of the broad locations of sites put forward through the plan-making process were covered by the study. This is the reason why the study included the area covered by the application site. The study makes it clear that it has not been undertaken on a site-by-site basis and it was not the role of the study to comment on the merits of individual sites.
- 7.5 In a similar vein, Members will be aware that the application site is one of two particularly large sites at Malton and Norton that the Council will consult on this summer as a potential site allocation option.

Members will recall that this decision reflected the fact that for Malton and Norton, larger development sites were considered to offer a particular opportunity (based on the information available at the time) to address strategic infrastructure requirements and to deliver affordable housing. Consultation on the site as a potential preferred option as part of the plan-making process does not in itself establish the principle of development. It is the outcome of that process which will do this. It is important that Members recognise this as the inclusion of the site (and other sites) as one of a number of site options for the plan-making process was in part informed by information held in relation to planning applications. Information in support of the site has changed and this is something that will be explored with the applicant through the plan-making process.

7.6 The key issues in the assessment of the proposal are as follows:

- Location and nature of the uses proposed
- Housing Land Supply and Housing Requirements
- Design
- Landscape and Visual Effects
- Accessibility, Highways and Air Quality
- Drainage
- Social Infrastructure
- Ground Conditions
- Noise
- Biodiversity
- Heritage Assets
- Loss of Agricultural Land
- Trees
- Amenity of neighbours
- Economic issues
- Permission period sought

Location and nature of the uses proposed

7.7 Policy SP1 (General Location of Development and Settlement Hierarchy) of the Local Plan Strategy makes it clear that Malton and Norton will be the primary focus for the growth needed to meet future development requirements in Ryedale. The strategy recognises that greenfield sites on the edges of Malton and Norton will be required for family housing, accommodation to address the needs of an ageing population and to provide new business space. It places a greater (albeit not exclusive) focus on locating development at Malton.

7.8 Policy SP2 (Delivery and Distribution of new housing) of the Local Plan Strategy makes provision for approximately 1500 new homes to be delivered at Malton and Norton over the life of the plan. It is clear that this is to be delivered through new housing land allocations within development limits of the towns and on extension sites of a range of sizes around Malton and Norton and within the boundary of the A64 at Malton. The also policy makes it clear about the sources of new housing at Malton and Norton which includes new housing land allocations and the development of land within Development Limits.

7.9 The application site lies outside of the Development Limits and is not allocated for the uses proposed and as such the proposal does not comply with Policy SP2. If however, it is considered that there is a need to release the site or that the benefits of the proposal justify the release of the site, the application site is broadly consistent with the broad locational policy objectives of SP1 and SP2 and is within the quantum of housing development identified for Malton and Norton in SP2.

- 7.10 Although the proposal is for a residential-led scheme, a range of other uses are proposed which require specific consideration in terms of the proposed location. The Planning Statement which accompanies the application states that the following employment and community facilities would be provided on the site:
- Not more than 2,000 sq.m. of floorspace for business (office- B1 and light industrial – B1c) uses
 - Not more than 1,000sq.m. of floorspace for shop (A1), restaurant/café (A3), and drinking establishment (A4) uses
 - Not more than 850sq.m of floorspace for non-residential institutional (D1) and assembly and leisure (D2) uses
- 7.11 The applicant has indicated that these uses are included within the proposal to support the delivery of a sustainable extension to Malton and to provide local community facilities and amenities. In this respect, the Planning Statement goes on to make reference to the inclusion of a ‘small shop and potential bar/coffee shop’ within the scheme and to confirm that no non-food (comparison) retailing is proposed as part of the scheme.
- 7.12 A number of these uses, including the proposed retail, leisure, entertainment and office uses are uses which fall within the definition of ‘Main Town Centre’ uses under national policy.
- 7.13 Paragraph 24 of the NPPF requires Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date development plan. Whilst the Local Plan Strategy is an up-to-date part of the development plan, the site is not allocated for these uses in the plan and paragraph 24 applies.
- 7.14 Paragraph 26 of the NPPF states that Local Planning Authorities should also require an assessment of the impact on town centres of proposals when assessing applications for town centre uses which are not in accordance with an up-to-date development plan and if the development exceeds a locally set floorspace threshold or a default threshold of 2,500 sqm.
- 7.15 Policy SP7 (Town Centres and Retailing) of the Local Plan Strategy is designed to not repeat national policy but to operate alongside it. It includes a local floorspace impact threshold of 750sq.m for food retailing on sites outside of identified town centres.
- 7.16 The purpose of national and local policy is to ensure the viability of Town Centres. The applicant has confirmed that food retailing floorspace will not exceed the local floorspace impact assessment threshold of 750sqm and that the overall floorspace proposed for Town Centre uses does not exceed 2,500 sqm. Whilst not stated in the Planning Statement, in confirming these thresholds, the applicants will be aware that these are gross floorspace thresholds. It should be noted that the applicants planning statement indicates that they consider that proposed A3 (restaurant/café) and A4 (Drinking establishment) uses fall outside of the definition of main town centre uses in the NPPF. This is not the case. The NPPF (Annex 2) includes restaurants, bars and pubs within the definition of main town centre uses. It is appropriate therefore that for the purposes of considering the application that these uses are included within the overall 2,500 sqm (gross) of town centre uses proposed.
- 7.17 It is considered that on that basis, the proposed development would not trigger any retail impact assessment under the provision of national and local policy. However, the sequential test does need to be applied in order to determine whether there are sequentially preferable sites to accommodate the town centre uses proposed.

- 7.18 To apply the sequential test, it is first necessary to define an appropriate area of search which itself is informed by the scale and nature of development proposed. From the information provided by the applicant it is taken that the intention is to provide facilities/amenities to meet localised neighbourhood needs. The Institute of Highways and Transportation advise that the preferred maximum walking distances to local facilities, including local foodshops is 800m. It is considered therefore that this provides a reasonable reflection of the likely catchment area for the proposed A1, A3, A4 and D1 and D2 uses. The transport assessment accompanying the application confirms that the nearest part of the site to Malton Town Centre is circa 800m, so that most of the site and the developable area lies at a greater distance from the Town Centre. (the distance from the centre of the site to the town centre is circa 1000m). On this basis, it is not considered unreasonable to conclude that the catchment area of the proposed retail, community and leisure uses would not include Malton Town Centre or any other defined centre and on that basis, it is considered that there are no sequentially superior sites to which the floorspace could be directed.
- 7.19 It should be noted that this conclusion is made on the basis that the proposed uses and in particular, the A1 retail uses are of a scale which would mean that they genuinely serve a localised neighbourhood function. At the present time convenience store formats are wide ranging and ever evolving, driven by restructuring in the retail industry. It is considered that a generally accepted size of a local convenience store is one with a gross floor area of 372 square metres (net sales area of circa 280 square metres or 3,000 square feet).
- 7.20 The applicant has indicated that they are seeking a level of convenience shopping floorspace not exceeding 750 square metres. If this were to come forward as one unit, it is considered that such a store would serve a wider catchment area, with implications in terms of retail policy. Furthermore, it is considered that the presence of a convenience store which is larger than one which is designed to serve a localised need would change the role of the development proposed. For this reason it is considered that, if Members are minded to grant permission for the development, a condition should be used to restrict the maximum floor area of any single retail unit. It is considered that a typical local convenience store size (circa 372 gross floor area) would be appropriate. This would be in addition to conditions restricting the overall level of floorspace in each broad use class and to restrict the maximum amount of floorspace for uses defined as main town centre uses to 2,500 sqm (gross).
- 7.21 The proposed local facilities will provide for the everyday convenience needs of future residents as well as those currently living nearby whose nearest retail facilities are within or on the edge of the Town Centre. It is considered that the provision of such facilities would be a benefit of the scheme which would help to ensure that as the Town grows, the need to access the town centre, particularly for convenience 'top up' shopping is reduced. The need to deliver community facilities as a means of enhancing the sustainability of communities and residential environments is supported by national policy (paragraph 70 of the NPPF). Additionally, Policy SP11 (Community Facilities and Services) of the Local Plan Strategy supports the provision, in principle, new community facilities and services where they are needed, in recognition of their contribution to quality of life and in supporting sustainable communities.
- 7.22 The office uses proposed in the application are also defined as Main Town Centre uses under national policy and in this respect the proposal will need to comply with the sequential test. Whilst the applicant has confirmed that there is some limited availability of upper floor town centre office accommodation, the Council's Employment Land Review does identify a requirement for modern purpose built office facilities. In this respect, town centre upper floor accommodation is proving unsuitable in addressing modern office requirements.

Whilst the reuse of upper floors is something to be encouraged, it would be unrealistic to insist that they are suitable to address identified office floorspace requirements.

- 7.23 The Employment Land Review recognises that this could be addressed through new employment sites which it has identified on the edge of the town. In this respect, the site is considered to be sequentially equal to the sites which the Employment Land Review has identified as providing a potential source of new office accommodation (including for example, York Road Industrial Estate and Eden Camp) and to one site – Manor Farm at Old Malton which currently benefits from an extant permission for offices. All of these locations are considered to be out of town locations for the purpose of applying the sequential test.
- 7.24 The inclusion of some office and light industrial employment space on the site will assist in providing a further range and choice of employment premises for small businesses which is supported in principle by SP9 (Delivery and Distribution of Employment/Industrial Land and Premises). It is also consistent with national policy (paragraph 28 of the NPPF) which encourages the sustainable economic growth of business and enterprise in rural areas.

Housing Land Supply and Housing Requirements

Land Supply

- 7.25 Policy SP2 (Delivery and Distribution of new housing) of the Local Plan Strategy commits the authority to maintaining a supply of deliverable sites sufficient to provide five years worth of housing against planned annual requirements of 200 homes per year with an additional supply of 20%. The policy is framed to reflect the requirements of national policy (paragraph 47, NPPF) to identify and maintain a five year supply of deliverable housing land with an additional supply buffer to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 7.26 The NPPF states (paragraph 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. It makes it clear that if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. Members are reminded that where this is the case, Policy SP19 is clear that planning permission should be granted “*unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in that framework indicate that development should be restricted*”.
- 7.27 Currently, Ryedale can demonstrate that it has a five year supply of deliverable housing sites. At 31/3/15 a total net supply of 1461 plots with planning permission existed which equates to 7.31 years of housing land supply (based on the planned housing requirement of 200 units per annum). The recent SHLAA Part 1 update (May 2015) illustrates that from this ‘raw’ supply (which equates to a numerical 5 year supply plus an additional 46%), 1173 new homes will be delivered over the next five years. This equates to 5.92 years worth of deliverable housing supply.
- 7.28 Members should be aware that this supply position does not include applications which are approved in principle and which are currently awaiting the completion of Section 106 agreements. In addition, it does not include the supply of housing land identified in the Helmsley Plan which the Council adopted in July 2015. The housing land supply from these sources equates to circa 200 new dwellings and this will significantly increase the supply of housing land to support housing delivery against planned targets over the short-medium term.

- 7.29 Members are aware that the ability to demonstrate a five year deliverable supply of housing land is not in itself a reason for the refusal of a planning application. The ability to demonstrate a five year deliverable supply has the effect of meaning that there is no immediate need to release a site in order to address a shortfall in the supply of housing land. As with the release of any site for housing land, the release of the site would contribute to the supply of housing land in the District and, given its size, the release of the site would assist in providing a continuity of supply over the remainder of the plan period. However, there is currently no need to release the site as a result of a current shortfall in housing land supply and the release of the site cannot be argued as a benefit of the scheme on the basis of this issue.

Type and Mix of Housing

- 7.30 Policy SP4 (Type and mix of new housing) makes it clear that new housing sites will be expected to provide increased housing choice and to contribute to the provision of a balanced housing stock. The policy includes a number of specific requirements. The policy requirements which are particularly specific to this application include:
- The provision of at least 5% of all dwellings as bungalows where this is viable
 - The provision of affordable accommodation for the elderly as part of an affordable housing contribution
 - That specialist accommodation for the elderly should be located in areas where services and facilities can be easily accessed by walking or the use of public transport
 - That the type and size of new housing will be expected to address identified stock imbalances
 - That housing is well designed and supports safe and inclusive communities
- 7.31 In addition and within the context of this application, Policy SP3 (Affordable Housing) seeks to secure 35% of new dwellings as affordable dwellings to be provided on-site, having regard to the circumstances of individual sites and scheme viability.
- 7.32 Both of these development plan policies are consistent with national planning policy which seeks to ensure the delivery of a wide choice of high quality homes, to widen opportunities for home ownership and to create sustainable, inclusive and mixed communities. Paragraph 50 of the NPPF makes it clear that Local Planning Authorities should:- plan for a mix of housing; identify the size, type, tenure and range of housing required; set policies for meeting affordable housing need.
- 7.33 The information supporting the application indicates that the applicant intends to design and build a scheme which is different in its design, layout and construction from the large new housing developments which are traditionally provided by the volume house builders.
- 7.34 In general, it is considered that the broad concept of the development as it is described in the supporting information would assist in increasing the choice of new housing available in Malton and Norton. In broad terms this would be consistent with Policy SP4 of the development plan and reflects national policy of delivering a wide choice of new homes.
- 7.35 The applicant's Planning Statement indicates that the applicant intends to provide a mix of house types including market and affordable housing. It confirms that the applicant intends to provide 5% of the dwellings as bungalows. The application also seeks permission for a retirement home facility which the Planning Statement indicates will be in the form of a 60 bed retirement home. In addition, the Planning Statement Addendum also indicates that the applicant intends to provide some self-build opportunities on the site.

It is considered that the inclusion of single storey dwellings and specific housing for the elderly will assist in meeting identified housing requirements and will help to increase housing choice as required by Policy SP4 and national policy. The level of demand for self-build housing is not something which is currently identified in a Strategic Housing Market Assessment, nevertheless, it is considered that self build opportunities would in principle, increase housing choice.

- 7.36 The applicant has stated their intention that the mix and type of the market dwellings will be agreed at reserved matters stage, informed by an up to date assessment of need. Members will be aware, on reading this report as a whole that the applicant intends to phase the submission of reserved matters over a period of ten years. In this respect, it is likely that several Strategic Housing Market Assessments will be produced over the life of the build out of the scheme which will provide the latest evidence of the mix and type of homes required over a given period. It is appropriate that flexibility exists to ensure that the development delivers against up to date housing requirements. Therefore, if Members are minded to approve the application it is considered that a suitable condition is applied to ensure that at the reserved matters stage, the mix and type of market housing reflects the proportions of house types and sizes which are identified in the most up to date assessment of housing requirements.

Affordable Housing

- 7.37 The applicant has undertaken a Viability Assessment of the proposed development which has been prepared by DTZ. An outcome of the assessment is that the applicant has confirmed that 10% of the dwellings will be provided as affordable units and that this is the level of affordable housing which can be delivered if other necessary contributions to education and off-site transport and highway works are to be provided. The applicant has said that this contribution could be increased to 12% if the affordable housing tenure split was to be 50/50% intermediate and rented tenures as opposed to the Council's position to secure 10% intermediate and 90% rented tenures.
- 7.38 It appears from the applicants viability work that the proposed contribution does not equate to 10% of 500 dwellings. If officers have understood this work correctly, it appears that the contribution proposed is 10% of 451 dwellings. (The viability work has assumed a reduced number of dwellings coming forward on the site). Against this context, the proposed contribution is in effect between 9% or 10% of the total maximum number of residential units for which permission is sought.
- 7.39 Clearly the proposed affordable housing contribution falls significantly short of the policy target of 35% included in Policy SP3 of the Local Plan Strategy. The policy recognises that a contribution of 35% is a policy target and that the Local Planning Authority will look to maximise provision against this target having regard to the circumstances of individual sites and viability.
- 7.40 Officers have sought independent advice on the viability assessment from a company (Dixon Searle Partnership - DSP) which specialise in providing viability advice to the public sector in cases such as this. In response to the applicant's appraisal, DSP have expressed some concern over the approach used.
- 7.41 It should be noted that the Viability Assessment is not a viability assessment of the development proposed as a whole. It has assumed land receipts for the non-residential elements of the scheme and for the retirement apartment complex. The appraisal itself is focussed on a residential scheme of 391 dwellings (the reduced 451 dwellings minus the 60 apartment units).

DSP has expressed concern that the Viability Assessment does not match the quantum of development for which permission is sought in outline form and note that *"the nature of the process is such that a scheme of say, 500 dwellings of a different type, mix and proposed quality could come forward that would bear little resemblance to the scheme reviewed here and upon which the Council are being asked to make a significant affordable housing concession"*.

- 7.42 In terms of detailed assumptions within the appraisal, DSP has confirmed that *"although we would not disagree with a number of assumptions forming the DTZ Viability Appraisal and associated report, there area number of areas where we continue to disagree with the applicant's assumptions, alterations to which could improve the viability position"*.
- 7.43 DSP have gone on to state that: *" We are of the opinion that the report and associated appraisals and information do not reflect the potential affordable housing and other planning obligations that could be secured on this site. In our view the capacity to provide a higher, policy compliant level of affordable housing than currently explored should be explored. of course, no viability appraisal or review can accurately reflect costs and values until a scheme is built and sold - this is the nature of the viability review process. In this sense the applicant and their agents are in a similar position to us in estimating positions - this is not an exact science by any means, and we will find that time horizons will usually vary particularly with an outline application with long time horizons. Overall, however, our view is that the affordable housing position as currently proposed does not represent the optimum position and possibly significantly underestimates the potential."*
- 7.44 DSP have concluded that *" Notwithstanding this and some detailed points of difference over individual assumptions (not least the land value benchmark), even were it agreed that the viability of the scheme were likely to be as presented, the Council would need to decide whether they were willing, at this stage in the process, to forgo affordable housing on this basis or whether a better approach may be to agree a framework for reviewing viability linked to the phases of development as they come forward."*
- 7.45 DTZ (now Cushman and Wakefield) have responded to the advice provided by Dixon Searle and have confirmed that they do not agree with their findings or the conclusion that the site could offer a greater level of planning gain than they had identified. Notwithstanding this, they have confirmed that they consider an appropriate way forward would be to proceed on the basis of the review mechanism suggested by Dixon Searle. They have stated that this would allow the quantum of affordable housing to be determined according to viability appraisal carried out at the commencement of each phase and on the basis that the applicant will commit to 10% affordable housing as a minimum with acknowledgment that 35% may be provided subject to viability.
- 7.46 Officers are of the view that whilst the suggested framework for review does provide a potential way forward if Members are minded to approve the application, it provides no certainty that the viability position/ affordable housing contribution would improve. Indeed, as noted above, the applicant has confirmed that the site could not achieve a greater level of contribution.
- 7.47 In light of the advice from DSP, that the scheme does not optimise affordable housing provision, it is considered that the proposal does not comply with Policy SP3 of the Development Plan. The need to address affordable housing need is a key objective of the Development Plan and as such the contribution as proposed is not considered to represent a significant benefit of the scheme. Indeed, it could be argued that the inability of a site of such a scale to deliver affordable housing in any significant number is a disbenefit.

In effect, it would mean that a large proportion of the housing requirement for the Principal Town would fail to contribute in any significant way, to the acute level of affordable need which exists in the District and at the Principal Town. The Local Planning Authority would need to release further housing land to address the shortfall in affordable housing provision.

- 7.48 Members should be aware that the Housing Services Manager has **strongly objected** to the application on the basis of the proposed level of affordable housing.
- 7.49 The applicant has stated that it is intended that affordable properties will be transferred to a Registered Provider (RP) and that the affordable properties will be built to the same high quality as the rest of the scheme and ‘pepper-potted’ across the site. Officers have raised concerns over potential deliverability issues for Registered Providers if as the applicant has indicated, service charges and restrictive covenants are to be applied across the site. The use of the latter may fetter a Registered Providers ability to effectively manage its properties. A number of Registered Providers with a history of acquiring affordable properties in Ryedale have expressed concerns about the use of restrictive covenants although without the detail of what this could cover could not confirm whether this would affect their ability or decision to take on the affordable properties on this scheme if offered to them.
- 7.50 The applicant is however, in discussion with one Registered Provider that has confirmed that it would deliver the affordable properties if these were subject to service charges and covenants. Whilst this provides a degree of comfort that the affordable properties can be delivered by a RP, it is unclear whether it is the applicant’s intention that this particular RP is to be party to the necessary Section 106 agreement. If this is not the case and if Members are minded to approve the application, the Section 106 agreement will need to include clauses to ensure that the affordable housing is deliverable. A clause will be needed to ensure that service charges are set at a level which ensures properties remain affordable. Additionally, the Section 106 would need to cover the situation, should it arise, where an RP could not commit to the delivery of the affordable units by virtue of the fact that a restrictive covenant is to be applied. This could involve the applicant delivering social rented properties themselves or through the use of a clause which would prevent the imposition of covenants on properties if an RP cannot deliver the properties as a result of their use.
- 7.51 The applicant has stated that the size, type and tenure of the affordable dwellings will be agreed at reserved matters stage, based on needs at the time of the reserved matters applications. Similar to the mix of market housing, it is appropriate that flexibility exists to ensure that the development delivers against up to date assessments of housing need. Therefore, if Members are minded to approve the application it is considered that a suitable condition is applied to ensure that at the reserved matters stage, the type and tenure of affordable housing reflects the proportions of affordable house types and tenures which are identified in the most up to date assessment of housing need.
- 7.52 The applicant is aware that in terms of the size of affordable properties, the Council will look to ensure that these reflect the standards in place at the time. It is understood that these size standards have been used within the Viability Assessment work and this again will need to be the subject of a Section 106 clause if Members be minded to approve the scheme.

Design

- 7.53 Policy SP16 (Design) of the Local Plan Strategy makes it clear that development proposals will be expected to create high quality durable places that: are accessible; well integrated with their surroundings; reinforce local distinctiveness; provide a well connected public realm which is accessible and usable to all; safe and easily navigated and which protects amenity and promote well-being. The Policy goes on to confirm that to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of development should respect the context provided by its surroundings. In addition, Policy SP20 (Generic Development Management Issues) of the Local Plan Strategy also requires new development to respect the character and context of the immediate locality and wider landscape and townscape character.
- 7.54 The National Planning Policy Framework (NPPF) confirms that the government attaches great importance to the design of the built environment. Paragraph 58 of the NPPF makes it clear that planning decisions should aim to ensure that developments function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; create and sustain an appropriate mix of uses and support local facilities and transport networks; respond to local character; create safe and accessible environments and visually attractive development as a result of good architecture and appropriate landscaping.
- 7.55 Paragraph 60 of the NPPF makes it clear that planning decisions should not attempt to impose architectural style or particular tastes and should not stifle innovation, originality or initiative. Paragraph 63 (NPPF) goes on to state that in determining applications great weight should be given to outstanding or innovative designs which help to raise the standard of design more generally in the area.
- 7.56 Paragraph 61 of the NPPF confirms that securing high quality and inclusive design goes beyond aesthetic considerations and that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. National Policy (paragraph 64) makes it clear that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.57 The importance of securing good, high quality design is reinforced in the national Planning Practice Guidance (PPG). The PPG makes it clear that good design can be achieved by planning which promotes - local character (including landscape setting); safe, connected and efficient streets; a network of greenspaces and public places; appropriate security measures; access and inclusion; efficient use of natural resources; cohesive and vibrant neighbourhoods and which addresses crime prevention.
- 7.58 The PPG confirms that a well designed place is one which is: functional; supports mixed uses and tenures; is lively; adaptable and resilient; has a distinctive character; is attractive and promotes ease of movement.
- 7.59 The guidance goes on to advise that to help achieve good design objectives, planning decisions need to manage physical form at a variety of scales and that where appropriate: the layout, form (shape) and scale (size) of buildings, including how these relate to surroundings; detailing and materials should all be considerations.

Design Approach

- 7.60 The application is supported by a Design and Access Statement (DAS) and an independent audit of the DAS - a Building for Life 12 Review.
- 7.61 The DAS makes it clear that it is the applicant's intention to create a well designed , high quality development with a strong identify and which will embody the principles of 'New Urbanism'. This is an urban design movement which promotes models for the growth of places that are designed to counter the suburban, often mono-functional expansion of settlements which (from reading the DAS as a whole) is considered to fuel car dependency, to be detrimental to health and well-being and visually unrewarding. The inclusion of a mix of uses, open spaces and community facilities and spaces, together with a strong architectural character and a layout to promote walking are some of the reasons why the applicant considers that such a model of growth represents a more sustainable way in which to grow a place. It is understood that as well as aiming to create new well designed places, the approach is also promoted as one which would help to 'repair' or 'reurbanise' existing suburban areas to the benefit of existing communities and places.
- 7.62 The principles of New Urbanism are listed on Page 4 of the DAS which is appended to this report in full. The proposal is likened to a development called Poundbury at Dorchester which was also designed by the same master planner.
- 7.63 Although the application is in outline form, the DAS includes a detailed masterplan to illustrate the applicant's intentions for the development of the site/scheme. The masterplan reflects the indicative masterplan which was submitted with the application but subsequently withdrawn by the applicant. The applicant has confirmed that the masterplan/ design approach in the DAS is their preferred design approach for the site.
- 7.64 Across much of the site, the housing and employment uses would be arranged in a series of development blocks or 'cells', each approximately 100 square metres in size. Each cell is designed to be tied to another by small connecting roads and within each cell, lanes will provide access and courtyards will provide spaces for garages and parking.
- 7.65 A chain of villas is illustrated along the eastern boundary of the site, adjacent to a linear village green which stretches between Middlecave Road and Castle Howard Road. Together, these elements define the eastern side of the site.
- 7.66 A village square is shown as occupying a central position in the scheme adjacent to the village green. A shop, pub, village hall and orientation tower are proposed adjacent to the square with a 60 unit retirement apartment complex positioned to the south of the square towards Castle Howard Road.
- 7.67 Two streets radiate diagonally south and west from the village square and a perimeter road encompasses the development. The DAS indicates that vehicular access will be achieved from Middlecave Road – adjacent to the existing veterinary surgery and by means of a new roundabout from Castle Howard Road. Woodland boundary planting and landscaping is proposed predominantly along the western and southern boundaries of the site.
- 7.68 The supporting material differs as to the density at which the scheme will be built. The DAS confirms that of the site area of 21.8ha, 18.2 ha is suitable for development after 3.6ha of land (the western woodland boundary) is deducted from the site area. The DAS confirms that this would equate to an average building density of 28 units to the hectare.

Alternatively, viability work supporting the application refers to a net developable area of 12.71 ha which it is assumed takes account of further areas of open space, landscaping and routes around the site. This would result in development built at a higher density of 39 units to the hectare.

- 7.69 A significant feature of the scheme and design concept as described in the DAS is the change in the profile of the development across the site from west to east. Whilst much of the site is described as two storey and 'village scale', buildings are described as increasing in size and scale as they focus around the village square and as they front the village green. The DAS makes reference to buildings to the west of the village green being 12.5m high and illustrations in the document indicate that this is to ridge height. At the village square, the DAS indicates that buildings are intended to range in height from 6.5m-10m although these are illustrated in the document as being heights to ridge. The orientation feature/tower at the village square is stated as being 30m in height. The DAS states that other orientation features (which from illustrations in the document appear to be tower structures) will be located at the southern and northern ends of the village green although no indicative heights are given for these structures. In addition, the DAS does not provide an indicative height for the proposed retirement apartment complex.
- 7.70 The DAS explains that the transition from residential scale buildings to buildings which grow in stature is designed to signify or provide an area of focus or importance; to assist orientation and to frame open spaces.
- 7.71 The applicant has commissioned an Independent Audit of the scheme as it is described in the DAS. The review or audit, is based on what is known as the Building for Life 12 framework (BfL12) which is an industry standard for well designed homes and neighbourhoods endorsed by the Government. The audit has been undertaken by the co-author of the Building for Life 12 framework. The review recognises that the application is in outline form and has concluded that:
- the development offers the potential to achieve BFL12 at any future Reserved Matters stage, subject to the imposition of a condition relating to the production of a design code structured against BfL12
 - achievement of BfL would ensure and demonstrate compliance with the NPPF and national Planning Practice Guidance and that it is not considered that at outline stage there is a justification for refusal on design quality grounds
 - the proposed development, if implemented as envisaged, will exceed the standards of good design required by the NPPF by virtue of its adherence to the principles of New Urbanism that will create a new walkable neighbourhood unit
 - the proposals offer the opportunity to help counter the typical mono-use suburban sprawl that has typified the recent expansion of Malton
- 7.72 It is of note that the scheme has the potential to achieve BfL12 and broadly this is to be welcomed. However, Officers are concerned that specifically, the proposed taller elements of the scheme and the illustrative massing of these elements are not appropriate in terms of the context in which the site is located. This is the relationship of the site to the town, surrounding countryside and landscape setting of Malton.
- 7.73 Whilst it must be assumed, given the credentials of the author, that the BfL audit has been applied as intended, Officers are of the view that it is not based a detailed contextual analysis of the site and that it provides a 'light touch' commentary on the appropriateness of the design of the scheme in relation to the context of the site.

Additionally, it could be argued that the DAS itself does not explicitly justify the inclusion of taller elements of the scheme in terms of a contextual analysis but rather to assist orientation and frame open space. Officers are concerned that neither of these documents fully engage with the emphasis that local policy, national policy and guidance place on the role of context in influencing and shaping new development.

- 7.74 The scheme, as articulated in the DAS presents town centre scale buildings, arranged and massed in such a way as to, in effect, replicate the profile of buildings within Malton's Town Centre. Officers are of the view that for a site on the edge of the town, buildings generally should be of a scale and mass which is subservient to the Town Centre. In this way, new building will help to reinforce the role and status of the Town Centre as the focal area of the Town. Furthermore, within its wider landscape setting, Malton is set within an undulating landscape, with the Town Centre largely nestled in the lowest points of the landform. As a result and from distance views, much of the Town Centre is not easily visible or recognisable as such. The scale and mass of the taller elements of the scheme on rising land which is elevated above the town would create the impression from distance views and from the surrounding countryside that one would be looking at Malton Town Centre. It is considered that in this respect and given this context, the scheme as proposed in the DAS would be detrimental to the form and character of the town and the form and character of the town in its landscape setting.
- 7.75 It is considered that the traditional and typical scale of most of the remainder of residential development on the site would be generally appropriate to the sites location as a site on the edge of the town.
- 7.76 Members do have the option of imposing a height restriction across the site if officers concerns over the taller elements of the scheme are shared. However, it is unclear whether the development proposed (a maximum of 500 homes) could be accommodated on the site with a height condition imposed or that it could be accommodated in a way which is acceptable. Members are reminded that the development is EIA development and in the absence of information which illustrates that the development can be accommodated with the use of a height restriction, officers would advise against the use of such a condition.

Designing out crime

- 7.77 The Police Designing Out Crime Officer (PDOCO) has expressed some concerns over the potential of the design approach to undermine public safety, increase crime and anti-social behaviour and has cited some press reports of examples of crime at Poundbury.
- 7.78 The PDOCO is concerned that high levels of permeability can conflict with Crime Prevention Through Environmental Design Principles and has raised specific concerns over the use of rear car parking courts and the layout and juxtaposition of public areas directly abutting private space. The PDOCO has also raised concerns over the inclusion of the village square which he considers has the potential to draw youths into the area which could in turn lead to anti-social behaviour problems. The PDOCO has advised that the applicant consults with the PDOCO as details of the scheme are drawn up and in responding to the application has listed a number of points in terms of designing out crime which the applicant is asked to take into consideration.
- 7.79 The applicant has responded to comments made by the PDOCO and has expressed concern over the anecdotal nature of some of the evidence of crime that the PDOCO has been referred to which it considers does not provide a true picture of crime in Poundbury and to be misleading.

The applicant has confirmed that surveys of residents of Poundbury undertaken in relation to crime and safety has remained overwhelmingly and consistently positive despite the fact that the settlement has grown substantially in size over time. Notwithstanding this, the applicant has confirmed that they would work closely with the PDOCO when drawing up details for the scheme.

- 7.80 The issues raised by the PDOCO are the preserve of reserved matters. Both the applicant and the PDOCO acknowledge that the need to address the potential risk of crime is an issue to be addressed through the detailed design of the scheme. There is no reason to assume that in principle, a design approach which embodies the principles of new urbanism cannot also be designed or adapted to reduce the risk of crime in a manner which will be acceptable to the PDOCO and to ensure that the development complies with national and local design policies relating to crime and safety. It should also be noted that some concerns over anti-social behaviour have the potential to be addressed through on-site management arrangements.

Sustainable building

- 7.81 Policy SP18 (Renewable and Low Carbon Energy) looks to ensure that all new residential development meets the highest 'Code For Sustainable Homes' standard (or successor) that is feasible and viable on the site in order to support energy efficiency and renewable and low carbon energy. The policy is broadly consistent with national policy. The material supporting the application does not explicitly state how the proposed development will address these issues although the Viability Appraisal supporting the application has not included specific costs associated with renewable technologies. The proposed development will need to be built in accordance with Building Regulations and it is assumed therefore that these are the highest standards that could be achieved on the basis of the viability of the scheme. It should also be noted that in terms of sustainability, the Design and Access Statement indicates that many traditional and natural materials will be used in the scheme. Officers are of the view that this could assist in providing some longevity to buildings and could help assist in reducing the overall consumption of resources in the construction of the scheme.

Landscape Character and Visual Effects

- 7.82 The site is open countryside on the edge of the Town. At its closest point (at the end of Castle Howard Road), the site is approximately 50m from the Howardian Hills Area of Outstanding Natural Beauty (AONB). It is approximately 291 metres from the AONB at the northern end of the western boundary of the site. The boundary of the AONB runs along the eastern edge of the Plantations - the belt of woodland which follows the line of Maiden Greve balk to the west of the A64.
- 7.83 The site provides a transition between the eastern side of Malton and the nationally protected landscape of the AONB to the west. Officers are of the view that the site forms part of the setting of the AONB. It shares many of the physical special qualities of the protected landscape, including topography, land use and landscape features and is a continuation of the landscape of the Howardian Hills to the edge of the Town. The site is visible from the AONB and the AONB is visible from the site. Castle Howard Road and the public rights of way which lead from Middlecave Road on either side of the site are key access routes into and from the AONB by foot or by car. Visually and functionally therefore, the site is considered to be part of the surroundings in which the AONB is appreciated and which influences experience of the AONB. The relationship of the site to the AONB was a key factor in the Local Planning Authority confirming that it considered the development to be 'EIA development'.

- 7.84 It is an objective of the Local Plan Strategy to protect and where appropriate, enhance the distinctive character of Ryedale's landscapes. Policy SP 13 (Landscapes) makes it clear that this will be achieved by encouraging new development which reinforces the distinctive elements of landscape character within broad landscape character areas and by protecting the special qualities, scenic and natural beauty of the Howardian Hills AONB and setting of the AONB. The policy makes it clear the impact of proposals on the AONB and its setting will be carefully considered.
- 7.85 The National Planning Policy Framework recognises the intrinsic character and beauty of the countryside as a core planning principle. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. National policy goes on (paragraph 115) to make it clear that great weight should be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) which (PDOCO with National Parks and The Broads) have the highest status of protection in relation to landscape and scenic beauty. This reflects the statutory purpose of AONB's which is to conserve and enhance the natural beauty of the area.
- 7.86 The national Planning Practice Guidance (PPG) reminds Local Planning Authorities that they are relevant authorities in respect of the legislation relating to AONB's. It confirms the statutory duty on relevant authorities to have regard to the purpose of an AONB in exercising or performing any functions in relation to or so as to affect land in an AONB. The PPG makes it clear that the statutory duty is relevant in considering development proposals that are situated outside the boundary of an AONB but which might have an impact on the setting of and implementation of the statutory purposes of these protected areas. The PPG also makes the point that an AONB Management Plan may be a material consideration in making decisions on planning applications where they raise relevant issues.
- 7.87 It is important that Members appreciate that the setting of a protected landscape is not itself subject to the protection conferred on the designated landscape. The test to be applied to the consideration of development proposals is the extent to which activity outside of a protected landscape affects the statutory purposes of the designation. The Howardian Hills AONB Management Plan (2014-2109) recognises that the appreciation of the natural beauty of the protected landscape and the statutory purpose of conserving and enhancing the natural beauty and special qualities of an AONB can be affected by development or indeed land management practices which occur outside of the protected area itself and within its setting.
- 7.88 The application is supported by a Landscape and Visual Impact Assessment. Over the life of the application, the identification of landscape and visual effects associated with the proposed development has been the subject of much discussion between officers, the applicant and the AONB Manager. The current LVIA is a revised version of an earlier assessment produced in December 2014, and is integral to the Environmental Statement supporting the application.
- 7.89 In response to the earlier assessment, both Natural England and the AONB manager objected to the landscape and visual impacts of the development which had been assessed on the basis of the scheme as illustrated in the then indicative masterplan. At the time, Natural England objected on the basis that it considered the proposals to have a likely significant impact on the purposes and designation of the AONB, largely as a result of a significant adverse impact on views from the AONB and on the landscape character of the setting of the AONB.

Natural England noted that the application was in outline and advised that “ *further mitigation measures are put in place as part of the site masterplan in order to reduce the adverse impact on views from the AONB. This may include reducing the height of buildings to be more in keeping with the existing character of the setting of the AONB and to enable them to be more easily screened by landscape planting.*”

- 7.90 Similarly, in responding to the previous version of the LVIA, the AONB Manager reiterated his initial objection to the scheme and confirmed that “*although the application is only in outline the slavish adherence to the indicative layout gives me no option other than to consider this as if it were a full application. Contrary to the conclusions of the Environmental Statement, I believe that the photomontages (even allowing for possible inaccuracies) indicate that this development would have a major adverse impact on the AONB and its setting.*”
- 7.91 At that time, the AONB Manager expressed concerns over the accuracy of the LVIA and landscape consultants appointed to advise officers confirmed that elements of the previous LVIA did not comply with the latest guidance produced by the Landscape Institute.
- 7.92 The current, revised LVIA was been produced in response to these objections and concerns. Although the applicant has withdrawn the indicative masterplan, the LVIA appears to continue to use this as a basis for the assessment. The applicant has chosen not to seek to mitigate the impact of the development by reducing building heights and built form. The new LVIA employs a mitigation strategy which is primarily focussed on screening the development.
- 7.93 The revised LVIA includes an indicative landscape masterplan and landscaping details which has been prepared to illustrate how the landscape and visual impact of the development of the site can be mitigated and this mitigation has itself informed the conclusions of the LVIA. The indicative landscape masterplan is supplemented by material outlining the landscape approach, phasing plan and a detailed ‘phase 1’ planting specification. The material illustrates tree and shrub planting around development blocks and boundary planting along Castle Howard Road and within the 30-50 metre landscape buffer along the western edge of the site. Within this area, the landscaping plans indicate that some of the planting will be set on a landscape bund which the landscape architect has confirmed ranges in height from 2 -4 metres in a north to south direction. The landscape masterplan also includes a detailed sample planting schedule which includes the use of standard, feathered and whip trees as well as shrubs. The applicant has confirmed that landscaping will be phased along with the phased development of the site and that structural planting along the western and southern (Castle Howard Road) boundaries would represent the first phase of work on the site.
- 7.94 The conclusions of the Landscape and Visual Impact Assessment are reported in the new Environmental Statement. The Environmental Statement concludes:
- the overall residual impact of the proposal to be a ‘minor adverse’ impact, taking account of landscape mitigation
 - that only limited views of the site are identified from within the AONB which limits the lasting impact on the wider landscape setting of the AONB and;
 - that the overall magnitude of the impact on views of receptors such as pedestrians and motorists is reduced by virtue of the fact that views are glimpsed, limited by existing vegetation and as existing development is already visible

- 7.95 In terms of landscape character the Environmental Statement does not consider the loss of arable fields or internal hedgerows to be significant. It considers the element of the landscape resource which is of high value to be the boundary vegetation to the site which, it notes, will be retained as part of the proposals. The Environmental Statement confirms that the LVIA identifies opportunities for the development to reinforce key landscape characteristics including:
- Creating, extending and linking woodlands
 - Restoring hedgerows and hedgerow trees and infield trees
 - Screening existing and future development
 - Maintaining the contrast between the wooded scarp slope and the open dip slope
 - Restore and enhance wetlands
 - Opportunities for enhancing the A64 corridor
- 7.96 In terms of visual impact, the Environmental Statement concludes that there are predominantly adverse and moderate impacts for key receptors (walkers, motorists and residents of nearby properties) during the construction phases which will be reduced and mitigated by primary mitigation measures that include:
- Retention and enhancement of all existing boundary tree belts and hedgrows
 - Internal landscape infrastructure to integrate the built element into the valley side
 - Implementation of phase 1 planting infrastructure (including advanced stock trees) to the western and southern boundaries
 - Implementation of feathered trees within native structure planting to create a naturalistic appearance and maximise the chances of successful establishment in the operational phase
 - Quality and mix of architectural elements to create a mosaic of built form
- 7.97 As a secondary mitigation measure, the Environmental Statement confirms that the applicant is willing to agree the scope of a five year landscape management plan to ensure the longevity of the existing and proposed landscape infrastructure and maintain landscape quality.
- 7.98 Notwithstanding the fact that officers consider a five year management plan to be inadequate for a scheme of such a scale (and for one which is so dependent on landscape mitigation measures). Officers do not share the conclusions of the Environmental Statement and are concerned that it underestimates the environmental effects of the proposed development in relation to landscape and visual impact.
- 7.99 The LVIA which has informed the Environmental Statement and forms part of it provides no detailed assessment of the effect of the proposal on landscape character and it provides no consideration of the landscape impact associated with wider views of the site, despite the fact that the site occupies an elevated position in the landscape. The LVIA focuses on the visual effects of the proposed scheme although it provides very limited explanation of how conclusions have been arrived at. The assessment of visual effects appears to assess the effects associated with proposed buildings on the site as opposed to the scheme as a whole, including the visual effect of buildings, together with the proposed landscape mitigation. The LVIA is appended to this report and photomontages are available to view on the website. Whilst it is not the role of this report to rebut its conclusions at length, officers are seriously concerned about the accuracy of its findings. On a more specific point, it is also unclear if the Landscape and Visual Impact and Proposed Landscape Mitigation have taken into account the easement required (in total 10m) for the water pipe which exits the western boundary of the site.

- 7.100 Currently, the western edge of Malton, of which the site forms part, is a high quality area of countryside and an attractive approach to the town. The landscape sensitivity of the site is recognised in the Special Qualities Study of Ryedale's Market Towns which was produced in 2010 to identify landscape sensitivities around the Towns to inform the preparation of the Local Plan. The study notes that the area forms an attractive approach into Malton which is visible from footpaths and by car users and highlights concerns over the impact development may have in terms of the impact on the skyline and the current attractive rural approach into the town.
- 7.101 The main natural landscape features and qualities which contribute to the quality and diversity of the landscape on this side of the town include:- The large proportion and variety of mature trees which line the private drive to 'Uplands' and the rear of other properties which form the eastern edge of the town; trees aligning Castle Howard Road; open fields and hedgerows, together with distance panoramic views of the Wolds, Vale of Pickering and the North York Moors. These natural landscape features together with the low density/scale of development which marks the end of the built up area mean that the existing settlement edge is of low visual prominence. This not only belies the scale and presence of Malton beyond but contributes significantly to the natural beauty and attractiveness of this edge to the town.
- 7.102 It is considered that the landscape features and qualities of the site are also typical of the landscape character of the wider area. The site lies within the Howardian Hills National Character Area defined by Natural England. The key landscape characteristics of the area included in Natural England's Character Area Profile (29) include: complex landform of ridges, plateaux, hills and valleys with prominent scarps on the outermost edges; arable fields/ cropping; fields bounded by hedges and strong visual links to other landscape character areas, including the Vale of Pickering and the Moors. In addition, the North Yorkshire and York Landscape Character Assessment includes the site within the same landscape character area as the nearby part of the AONB. It characterises the area as Limestone Ridge and includes panoramic views and woodland on steep escarpments as key landscape characteristics of the area. This character assessment recognises the high visual sensitivity of the area and inter-visibility with adjacent landscape character types which are sensitive to the introduction of tall vertical structures.
- 7.103 Although the site is not covered by any formal landscape designation or protection policy, it has intrinsic landscape qualities and contributes to the natural beauty of the countryside in this area. It forms part of an area of landscape which, in view of its landscape features and prominent elevated position is very sensitive to change. In this respect, it is considered that development of the site per se would result in harm to landscape character. Intrinsic features such as fields and hedges would be lost and development would urbanise land which is currently open countryside, to the detriment of the natural beauty of the site and locality.
- 7.104 Moreover, it is considered that the LVIA illustrates that the applicant's preferred approach to the development of the site (together with the accompanying landscape mitigation) would have an intensified adverse effect on the landscape character of the area. The character of the area and the setting of the AONB would change from being the edge of the Town to an area which would appear more akin to an urban centre. This would be harmful to the existing rural approach to the Town and the transition between the town and the countryside beyond (including the AONB) would be eroded. It is considered that this change in landscape character will harm the special qualities of the AONB as experienced by users. The sense of experiencing the countryside by 'escaping' the built up area would be diminished, particularly in summer when the edge of Malton is not immediately apparent and arguably when routes into and around the AONB are most regularly used.

- 7.105 Officers are also concerned that the proposed landscaping will, in itself, be harmful to local landscape character. This is despite the fact that woodland planting is itself a characteristic feature of the Howardian Hills Landscape Character Area, although this is less so on the dip slopes of this landscape character area. The LVIA illustrates that the height and vertical emphasis of the proposed planting and building will interfere with existing intervisibility between landscapes and will block the open and panoramic views of the Wolds, Vale of Pickering and the North York Moors which are integral to the landscape character of the site.
- 7.106 In addition, the existing character and beauty of the site and the surrounding area is formed through a variety of landscape features, including fields, trees, hedges and buildings which provide a diversity through a mosaic of colour, texture, height and depth to the landscape. It is considered that the proposed planting appears to introduce an abrupt monolithic 'wall' of planting which would be detrimental to the existing landscape character of the edge of the Town and setting of the AONB.
- 7.107 Changes in landscape character will have consequential adverse visual effects and it is considered that the LVIA demonstrates that the development would significantly affect views from surrounding footpaths and public spaces. Notwithstanding the general diminution of natural beauty, the landscape planting and building mass will curtail distant views across the site, including views into and out of the AONB and that the scheme itself will introduce a dominant visual mass into the landscape. From a number of viewpoints, the LVIA demonstrates that proposed landscaping creates a skyline which would be broken by taller elements of the (preferred) scheme, reinforcing their visual prominence. The LVIA also illustrates that the scale and nature of the proposed landscaping also serves to reinforce some of the existing negative elements within the landscape. For example, from the AONB, the landscaping acts as a 'backdrop' which visually emphasises the A64 and the pylon corridor.
- 7.108 Both Natural England and the AONB Manager maintain objections to the application. The latest responses from both of consultees are outlined in full below. (*nb : The viewpoints from the LVIA referred to in this correspondence are as follows: Viewpoint 4 = from the bridleway as it nears the entrance to the plantations/AONB; Viewpoint 7= from the public footpath within the AONB running from Braygate Street to Broughton; Viewpoint 9= The start of the public footpath (to Broughton) at Braygate Street; Viewpoint 10= from the public footpath along Maiden Greve balk, within the 'plantations' and the AONB and to the west of the A64).*)
- 7.109 The response of the AONB manager is as follows:
- "I have the following observations to make in relation to the revised LVIA and photomontages:*
- 1. It was my understanding that the Masterplan had been withdrawn, but the photomontages are clearly using the same layout of building heights/styles/locations. I appreciate that some representation of building heights and layout is necessary in order to assess the impact of the proposed development, but I hadn't expected to see what is in essence the same Masterplan being used to do this.*
 - 2. Having said that, the grey Masterplan profile continues to indicate the unacceptable visual impact that the built elements of this scheme would have on the AONB and its setting. In my last response I was critical of the composition of the photomontage from Viewpoint 7 and I note the position of the tower as now shown.*

3. *I note that the landscape planting belt on the west side of the application site is now placed on a bund and that the photomontages run through to Year 15. Whilst this is undoubtedly designed to show that the proposed development can be screened with natural vegetation in due course, it only serves to highlight how landscaping can itself have an adverse visual impact*
4. *The photomontages continue to demonstrate how the proposed development will cut the AONB off from its wider landscape context. One of the features of the Howardian Hills, which is recognised in both the cited Special Qualities and the Landscape Management Objectives for this North Ridge character area of the AONB, is the wide-ranging views. In this location they are across the Vale of Pickering to the North York Moors to the north, but particularly south and east to the Wolds. The impression of being ‘at the end of a ridge’, with open views to the Wolds particularly, characterises the setting of the AONB at this point.*

The various iterations of the visualisations have shown that the AONB would be cut off from its landscape setting by either the near continuous skyline of houses higher than two storeys or by a ‘green wall’ of treeplanting. Neither is within landscape character for this part of the AONB setting, which is characterised by broken tree belts, individual trees, glimpses of low buildings and a wide open skyscape.

5. *Such a dense tree belt would also exacerbate the intrusive elements that are already present within the landscape at this point but which are currently mitigated by the open nature of the landscape – the 133KV powerlines pylons and the A64. Creating a ‘green wall’ would bounce more traffic noise into the AONB, impacting further on the users of the popular Rights of Way network to the west, whilst the pylons would become more intrusive because their backdrop would be trees rather than open sky.*
6. *My overall conclusion therefore continues to be that a development incorporating buildings of the height indicated cannot be adequately incorporated into the landscape at this point without having a **significant adverse visual impact on the AONB and its setting**. The impact of buildings taller than 2 storeys, which with the apparent retention of the Masterplan we must assume will continue to be distributed in such a way as to present a continuous skyline, will be apparent during the winter. When the trees are in leaf during the summer the built skyline will be replaced by a solid belt of greenery, which itself will then cut off wider landscape views. My comments above relate to views from the AONB looking south/eastwards, but as indicated in previous responses the development would also cut off any views from Malton out into the AONB to the west and this impact should not be discounted.*

*Taking into account the points discussed above, the **Objection** lodged in my letter of 30th July 2014 is maintained. The various iterations of the photomontages indicate that built development of the nature that continues to be proposed cannot be adequately mitigated, even by substantial treeplanting, to the extent that either it or the treeplanting itself wouldn’t have a major adverse visual impact on the AONB and its setting”.*

7.110 The response for Natural England is as follows:

“Natural England has assessed the revised Landscape and Visual Impact Assessment. However, we consider that the information submitted is insufficient to demonstrate that there will not be a significant impact on the purposes of the designation of the Howardian Hills AONB. As stated in our previous response, the development will significantly affect the landscape character in the setting of the AONB, The view towards Malton will become dominated by urban edge, especially during the winter when landscape planting is not in leaf.

Although we acknowledge that winter views have now been provided from a number of the viewpoints, these only show the current view and the extent to which the urban edge of the development will remain visible through the landscape planting during winter remains unclear.

The revised photomontages suggest that the landscape planting will attain a greater height than was indicated in the initial images. However, it is not clear whether this is due to differences in the modelling technique or revised planting proposals. As previously stated, both the built form and the landscape planting will significantly affect the landscape character in the setting of the AONB by foreshortening the view from a number of viewpoints, both within the AONB and along its boundary, as is clearly shown in drawing No.PM10-13, the photomontage from Viewpoint 10 in year 15 (Phase 13). We also advised that a number of locations between viewpoints 4,7 and 9 afford views of the site, but no additional viewpoints appear to have been added in the revised LVIA. The applicant does not appear to have considered the option of reducing the height of buildings in order to mitigate for the landscape impact. We are therefore not able to remove our objection to this proposal.”

- 7.111 Officers are of the opinion that the LVIA does demonstrate that the applicants preferred form of development, as articulated in the Design and Access Statement would have an unacceptable landscape and visual impact. The LVIA is integral to the Environmental Statement. The Environmental Statement and LVIA have not demonstrated that the site can be developed for the development applied for without an unacceptable landscape and visual impact and without harm to the statutory purposes of the AONB.
- 7.112 It could be argued that as the application is in outline form, the site could be developed in a different way with reduced landscape effect. Whilst this may be the case, Members are reminded that this is EIA development and it is entirely appropriate that the application is determined against information contained within and as part of the Environmental Statement which the applicant has provided in support of the scheme. Officers are of the view that the ES, (including the LVIA and proposed landscape mitigation proposals) demonstrate that the proposed development, including the proposed landscape mitigation, will result in a significant adverse impact on the nationally protected landscape.
- 7.113 Given the statutory duty on this Authority to have regard to the purposes of the AONB designation, this is a fundamental issue and matter of concern with the application which weighs significantly against the scheme.

Accessibility, Transport and Highways

- 7.114 It is an objective of the Ryedale Plan to focus development at settlements such as Malton in order to enhance accessibility to local services and to help to promote the use of public transport, walking and cycling. A further objective seeks to ensure that new development is delivered alongside necessary transport infrastructure. Policy SP10 (Physical Infrastructure) provides the basis for securing the transport improvements necessary to accommodate development proposals. Policy SP22 (Planning Obligations, Developer Contributions and CIL) makes it clear the developer contributions will be sought which are necessary to mitigate the impact of development.
- 7.115 The National Planning Policy Framework (NPPF) establishes the need to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable as a Core Planning Principle.

- 7.116 Paragraph 34 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Assessment. (Similarly, paragraph 36 also requires all development which generate significant amounts of movement to provide a Travel Plan.) The NPPF advises that planning decisions should take account of the opportunities to take up sustainable transport modes; safe and suitable access for all people can be achieved and; that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. National Policy makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.117 A Transport Assessment has been prepared to accompany the application. It considers site access; the impact of the proposed development on the surrounding transport network; the accessibility of the site and the impact of traffic generated by the development on the Area of Outstanding Natural Beauty. A Framework Travel Plan has also been prepared and suggests a range of targets and measures to help to encourage changes in travel patterns.

Accessibility

- 7.118 The site is generally well located to support access to existing services and facilities by pedestrians. The supporting Transport Assessment recognises that the Government's publication 'Manual for Streets' identifies a walkable neighbourhood as one with a range of facilities within a ten minute (800m) walking distance. Malton School and the Hospital fall within this distance as would the neighbourhood facilities and additional primary school provision proposed as part of the scheme. Although the majority of the developable area of the site is outside of this walking distance, all of the facilities at the town centre and the existing primary schools are located within preferred maximum walking distances identified by the Institute of Highways and Transport.
- 7.119 Although pedestrian routes to the Town Centre via Middlecave Road and Castle Howard Road are on an incline, it is not considered that the gradient is so steep as to prevent journeys on foot for many individuals. In addition, the site abuts the existing built up area and the age and appearance of buildings on route to the Town Centre serve to reinforce a perception that the town centre is in relative close proximity and in walking distance.
- 7.120 North Yorkshire County Council has confirmed that footway improvements will be required on both Castle Howard and Middlecave Roads. The applicant's transport assessment acknowledges that the width of the footway on Castle Howard Road will need to be increased in parts in order to meet the Highway Authority's standard. Between the site and the town, this footway is aligned with a number of mature trees, some of which are protected. The position of the trees will restrict the ability to achieve a continuous 2m footway width along this length of footway without potential damage to existing trees. Given that a significant stretch of this footway is within the Malton Conservation Area, it is considered that footway improvements would need to be undertaken in such a way as to include 'pinch points' in the width of the footpath at the locations of existing trees where this is necessary.
- 7.121 Widening of footway along Castle Howard Road between the site and Yorkersgate will encroach on some of the existing verges which are a significant element of the character of this part of the Conservation Area. However, it is considered that given the current width of the verges and the relatively limited additional width of footway required this is would not be detrimental to the character and appearance of the Conservation Area. It has been agreed with the Highway Authority that rather than widen the existing footway on Castle Howard Road from the eastern end of the site to the A64 footbridge, that an appropriate pedestrian route is provided within the site.

- 7.122 The Highway Authority is also of the view that in order to facilitate walking to and from the site and to ensure pedestrian safety, a footway would need to be installed along the southern side of Middlecave Road between the site and Hospital Road. A comment has been made that a limited section of land to the front of properties 77-85 Middlecave Road is in private ownership and that a continuous footway could not be achieved. The Highway Authority is of the view that (according to its records) all of the land required to install the footway is within the Highway and in view of this ownership of the land is not relevant. The Highway Authority is aware of an existing obstruction to the highway in the form of two low walls to the front of properties 77-85 Middlecave Road and that it would need to take action to have these removed.
- 7.123 The applicant has also proposed further pedestrian improvements in the Transport Assessment. These include the provision of dropped kerbs and tactile paving on both footways to Castle Howard Drive and on the Horsemarket Road slip road. The Highway Authority has confirmed that it would expect these and the improvements outlined above to be conditioned as part of any approval of the scheme.
- 7.124 A range of facilities and sources of employment are within cycling distance of the site. The applicant has proposed additional directional cycle signage and the travel plan confirms that it is the applicants intention to provide dual pedestrian and cycling facilities within the scheme. It is considered that if Members are minded to approve the scheme, that these should be designed in such a way as to enable cyclists to cross between Castle Howard and Middlecave Roads and to ensure that cyclists are able to cycle the length of the site as it fronts Castle Howard Road and to be able to enter and exit the site at either end of the Castle Howard Road frontage.
- 7.125 Some comments/objections have made the point that the scheme should be making a more direct contribution to cycling by contributing to and/or providing cycle lanes on the main routes into the town or into the surrounding countryside. The Highways Authority has not sought these improvements as it considers that it would not be possible to achieve cycle lanes from the site to the Town to the appropriate standard within the existing highway network.
- 7.126 Cycle paths within the site would assist in providing safe routes towards the countryside from the existing built up area and the site is adjacent to a public bridleway at the end of Middlecave Road which can be used for recreational access to the countryside.
- 7.127 In terms of access to public transport, the site is accessible to the railway station and Coastliner bus service which provide access to destinations including York, Scarborough and Leeds, as an alternative to the car. The Travel Plan also confirms that a bus service between Castle Howard and Malton operates informal stops on Castle Howard Road and that the hourly service between the Town Centre and the Hospital also stops approximately 500m to the east of the site.
- 7.128 The Highway Authority has recommended that a contribution of £100,000 per annum should be secured by way of a Section 106 agreement in order to enhance the existing bus service provision on Castle Howard Road and the extension of the Town Centre circular service to the site for a five year period. It has stated that it should be a condition of any approval for the applicant to provide bus stops on Castle Howard Road, adjacent to the site. The Authority has also made it clear that detailed access arrangements to the site will also need to be designed to allow for the possible re routing of bus services to serve the site via Castle Howard Road.

- 7.129 A comment has been made that improvements to existing local bus services will not be of benefit to commuters or help to reduce commuter traffic generated by the proposed development. Whilst this may be the case for people working outside of Malton and Norton, it is considered that the existing bus routes do provide an important service for those people who may not have access to a car or who may be dependent on others to get access to town centre facilities and /or the hospital.
- 7.130 The applicant's Framework Travel Plan includes a number of measures to support travel by alternative means to the private car including the appointment of a travel co-ordinator to provide information to future residents on, for example car sharing schemes. The Highway Authority has confirmed that any approval of the scheme should be conditional on a detailed Travel Plan being agreed prior to any element of the development being brought into use.

Site Access

- 7.131 Site specific access details were originally submitted as part of the application but were subsequently reserved following confirmation that the applicant was to make land available for additional primary school provision opposite the site and in the vicinity of the site access. This made it difficult to assess the suitability of the site access without an understanding of the implications of and for access to the school land.
- 7.132 Although site access is a reserved matter, the applicant is required to indicate how access to the site could be achieved. The Transport Assessment and revised Design and Access Statement illustrate that it is intended that the primary access to the site is to be achieved by way of a roundabout on Castle Howard Road, towards the eastern end of the site with a secondary access - a priority T junction further to the west along Castle Howard Road. A priority T junction is indicated for Middlecave Road in the position of the existing field gate to the east of the veterinary surgery.
- 7.133 The Highway Authority has confirmed that although the initial proposals for access details no longer form part of the application, it is satisfied that in principle, given the site frontage available, the existing road layout and predicted traffic volumes on Castle Howard Road and Middlecave Road, appropriate accesses can be formed. It has also confirmed that detailed design of any site access would need to be subject to a road safety audit before detailed designs could be accepted. The Highway Authority has also made it clear that access arrangements will be required to cater for pedestrians and cyclists and designed so as not to prevent such links being provided at a later date to the potential school site.

Impact of vehicular traffic on the road network

- 7.134 The Transport Assessment which accompanies the application predicts that the development will generate a total of 310 vehicular trips in the am peak and 320 trips in the pm peak. The Highway Authority has confirmed that the scope of the network covered by the Transport Assessment is supported and that it considers the trip generation used to be robust.
- 7.135 The applicant is proposing to restrict the volume of traffic using Middlecave Road to 10% of the site in response, it is understood, to initial discussions with the Highway Authority over the suitability of Middlecave Road to accommodate potential traffic arising from the scheme. In addition, the Transport Assessment proposes some limited carriageway widening at points along Castle Howard Road in order for Highway Authority standards to be achieved. A mini roundabout at the York Road/ Castle Howard Road junction is also proposed in order to assist vehicular movement at this junction.

- 7.136 The Highway Authority has noted that a baseline assessment of the road adjacent road network has been carried out as part of the Transport Assessment and which takes account of committed developments and traffic growth along with the predicted development traffic to allow junction modelling. The Highway Authority is of the view that this has demonstrated that the development traffic can be accommodated on the surrounding road network with the improvements and mitigation measures proposed. These include those measures in the Transport Assessment together with a developer contribution of £245,000 towards the implementation of a scheme to restrict and monitor HGV movement at Butcher Corner in order to release some additional capacity at that junction.
- 7.137 The Highway Authority has also recommended that all B2 development on the site should only be accessible from Castle Howard Road in order to limit the possible number of HGV movements along Middlecave Road. In addition it has stated that an appropriate design of the internal layout of the site will be required that prevents vehicular access through the site. It is considered that these are matters which could be addressed by way of a condition if Members resolve to approve the application.
- 7.138 A number of specific comments have been made which relate to the impact that the development would have on the surrounding road network. Members should also be aware that the Highway Authority has responded directly to a number of queries raised by the West Malton Residents Group in response to the Transport Assessment and the Highway Authorities consultation response to the application.
- 7.139 Objections have been raised to the fact that the Transport Assessment does not fully assess the impact of the proposed development at Butcher Corner and the implications for queuing at this junction. Butcher Corner is a junction in the central road network which operates above capacity in peak periods. This is known to the Highway Authority. Other junctions within the central road network operate below capacity during these periods. An important role of the Transport Assessment is to identify whether a development is likely to lead to a junction operating over capacity and it is for this reason that the Transport Assessment focussed junction modelling at other junctions. Nevertheless, the Transport Assessment does predict the increase in the number of vehicular movements using Butcher Corner in the am and pm peaks and it is this information that the Highway Authority has used to consider the impact at Butcher Corner.
- 7.140 The Transport Assessment indicates that the development will put an additional 66 trips into the Butcher Corner junction in the afternoon peak period and 64 in the morning peak. This represents 4.6%/4.7% of the 2014 baseline and committed development/ future years traffic through the junction.
- 7.141 Historically this Council has negotiated Section 106 contributions from development towards the Brambling Fields junction improvement to help mitigate the impact of increased traffic at Butcher Corner. Due to pooling restrictions under the Community Infrastructure levy legislation, contributions can no longer be sought for this purpose. In order to ensure that the proposed development can mitigate, or mitigate in part its impact at Butcher Corner, the Highway Authority has suggested that the developer contributes to the implementation of HGV restrictions through Butcher Corner. This would release capacity at the junction which the development traffic would be 'offset' against. This is a concept known as 'trip banking'. The Highway Authority has made it clear that if Members are minded to grant permission for the scheme that this should be subject to the developer making a contribution of £245,000 towards the implementation of this scheme.

- 7.142 The West Malton residents group has objected to this and takes the view that the Council cannot secure contributions for schemes for which there is already a committed source of funding. The HGV restrictions at Butcher Comer are one of the package of complimentary measures associated with the Brambling Fields project. Notwithstanding this, Officers are of the view that there is not reason why the scheme cannot be funded by way of a developer contribution in advance of its implementation by the Highway Authority where it the need to mitigate the impact of a development can be demonstrated.
- 7.143 The applicant has confirmed that traffic count data used for the Transport Assessment, has shown that 75 HGV's use the junction in the am peak and 18 HGV's in the pm peak. One HGV equates to 2.3 passenger car units (pcu's). As such, the removal of HGV's in the am peak would equate to 173 pcu's and in the pm peak 42 pcu's. On this basis the scheme would mitigate the impact of the development in the morning peak almost threefold and in the evening peak by 64%. Overall, across both peak periods, the mitigation measure would remove almost twice as many pcu's as would be added to the junction.
- 7.144 Clearly this information is based on one set of count data and the Highway Authority has also considered the effect of the scheme against count data that it holds for HGV movements at Butcher Comer in 2012 and 2013. This highlights circa 500 HGV movements during a 12 hour period. The authority consider it safe to assume (based on peak hour flows being approximately 10% of a total daily flow) 50 HGV's in the am peak period which would (at 2.3 pcu's per HGV) account for the traffic the development would put into Butcher Comer.
- 7.145 On this basis, it is considered that the proposed 'trip banking' mitigation measure will mitigate the impact of the development at Butcher corner in the am peak and will significantly reduce the impact of the development traffic at Butcher Comer in the pm peak.
- 7.146 Some objections have been received on the basis that the Transport Assessment relies on information contained in the Strategic Transport Assessment (STA) which this Council commissioned in order to inform choices on the scale and distribution of development in the Development Plan. Members are reminded that the STA was commissioned to inform strategic policy choices. It was not the role of the document to replace site specific transport assessments or to identify site specific preferences.
- 7.147 A number of objections to the application have been received on the basis that there is no provision for a new junction on the A64 or for a link road between Castle Howard Road and York Road. Members should note that the Town Council's support for the application is contingent, in part upon the latter being provided. (A copy of the Town Council's consultation response is appended to this report)
- 7.148 Members are aware that the Council cannot seek or secure contributions for infrastructure improvements which are not necessary to mitigate the impact of a development. The Transport Assessment does not demonstrate that either of these infrastructure projects are necessary in order for the development to be accommodated and on that basis they cannot be secured or sought. In responding to a query from North Yorkshire County Education, the applicant has confirmed that the gap between the existing allotments and the proposed school site, has been left to provide a route to York Road should this be required in the future (although it should be noted that the route of a potential future road link has not been agreed with the Highway Authority)
- 7.149 Objections to the scheme have also been made on the basis that the traffic implications of a new school on Castle Howard Road have not been addressed. Members will be aware that although land for additional primary school provision at Castle Howard Road has been offered by the developer, a new primary school itself does not form part of this application.

This would be the subject of a separate future planning application which would be made and considered by North Yorkshire County Council. The detailed traffic implications of a new school will be very much dependant on the nature of new provision. This is not something that can be confirmed until the Education Authority has consulted on options. A planning application for the school site would be accompanied by its own Transport Assessment and Travel Plan.

- 7.150 The West Malton Residents Group has also raised some concerns over the reliability of traffic survey data used in the initial transport assessment. The group has undertaken its own traffic survey and has expressed some concerns over the differences between its data and that gathered by the applicant.
- 7.151 The applicant has included the residents group's survey data within the Transport Assessment, alongside their own and other sources of data. The assessment has concluded that variation between data sources is to be expected given daily variation in traffic flows and that the applicants data is within a reasonable variance of other flows. This has been agreed by County Highways. It should also be noted that NYCC Highways has provided a response to the group on this as well as a number of other transport related issues which have been raised in response to the application.
- 7.152 Increases in traffic from the development and along Castle Howard Road has the potential to impact upon the Howardian Hills Area of Outstanding Natural Beauty (AONB). The Transport Assessment accompanying the application assumes that traffic leaving the site for York will head towards the A64 and this is considered to be a reasonable assumption. Using census data, the assessment assumes that the proposed development will result in 13, 2 way movements in the am peak through the AONB and 14, 2 way movements in the pm peak. It is considered that these trips do not represent a significant flow of additional traffic into the AONB (less than one vehicle every four minutes) in the peak periods and that flows will be less during other parts of the day. It is considered that the proposed development would not result in traffic flows which would be detrimental to the AONB and it should be noted that the AONB manager and Natural England have not objected to the scheme on this basis.

Air Quality

- 7.153 Policy SP17 (Managing Air Quality, Land and Water Resources) seeks to protect and improve air quality through a range of measures. Under Policy SP17, development would only be permitted where the individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured. Specifically, development proposals within or adjoining the Malton Air Quality Management Area are required to demonstrate how effects on air quality will be mitigated and further human exposure to poor air quality reduced. The policy requires all development proposals within or near to the Air Quality Management Area which are likely to impact upon air quality to be accompanied by an Air Quality Assessment.
- 7.154 The policy is consistent with paragraph 124 of the National Planning Policy Framework which states that local plan policies should sustain compliance with and contribute towards European Union limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites in local areas. It goes on to state that planning decisions should ensure that any new development in AQMA's is consistent with the local air quality action plan.

- 7.155 Members will be aware that Ryedale has declared an Air Quality Management Area at Malton which is focussed around the central road network (Wheelgate - Yorkersgate - Butcher Corner - Castlegate). An Air Quality Action plan is in place which identifies a number of actions to achieve air quality objectives.
- 7.156 The applicant has prepared an Air Quality Assessment to support the application. An update to the document was also provided to reflect additional Transport Assessment work undertaken by the applicant. The Air Quality Assessment covers air quality issues arising from both the construction and operational phases.
- 7.157 Dust is identified as being the main air quality issue associated with the construction phase of the development. Following guidance established by the Institute of Air Quality Management, the assessment has concluded that risk to human health arising from construction related dust is low but that the sensitivity of the area to dust soiling is high. The assessment recommends that a site-specific Construction Environmental Management Plan (CEMP) is prepared. Officers are of the view that a suitable CEMP would ensure that appropriate mitigation measures are put in place to address dust soiling and the Council's Environmental Protection Officer (EPO) has recommended that if the development is permitted, that this should be subject to a condition to secure appropriate dust mitigation. It should be noted that the Air Quality Assessment appears to have overlooked the presence of the local Site of Importance for Nature Conservation (the A64 embankment/cutting) which is adjacent to the site. Officers have discussed this matter with the Council's Countryside Officer who has confirmed that the CEMP would need to include measures to mitigate the effects of dust soiling on the adjacent SINC habitat. This is consistent with the applicant's ecological appraisal.
- 7.158 The assessment identifies vehicular emissions as the main air quality issue associated with the operational effect of the development. The assessment has been undertaken in accordance with guidance produced by Environmental Protection UK (EPUK) and with the use of dispersion modelling software to determine the impact of traffic related pollution concentrations (Nitrogen Dioxide (NO₂) and particulate matter) at a range of identified sensitive receptors, including points within the AQMA. The methodology and modelling includes assumptions for improvements in vehicular emissions/ technology which are based on a toolkit produced by DEFRA.
- 7.159 The assessment covered a base year (2013); a 'do -minimum' scenario (ie without the proposed development) and a 'do something ' scenario (including the proposed development) for a future assessment year of 2019. It assumes that the entire development will be built and in use by 2019. Taking into account predicted impact and absolute concentrations at each receptor location (there are 34 receptor locations in total included within that Air Quality Assessment Update), the assessment indicates that particulate matter impacts at all receptors will be 'negligible' and that NO₂ impacts would be 'negligible' to 'slight adverse' (at one receptor location).
- 7.160 Importantly, the assessment does not indicate that any air quality objective limits will be exceeded as a result of the additional traffic from the development, including within the AQMA.
- 7.161 It is clear from the assessment that predicted falls in pollution concentrations due to vehicular emission rates and background pollution concentrations are a factor in the assessment of predicted impacts. It should be noted however that a sensitivity test has also been undertaken as part of the assessment which assumes no improvements in vehicular emission factors between 2016 and 2019.

This reveals that the annual mean NO2 air quality objective would be exceeded as a result of the additional traffic from the development at one location (Yorkersgate) if improvements in vehicular emissions were not realised. Notwithstanding this, the applicant considers the methodology applied to be robust as the assessment assumes the entire development will be operational by 2019. It is considered to be a cautious approach as the build out period for the development is anticipated to cover a much longer time period over which vehicle emissions are likely to continue to decline.

- 7.162 The Council's Environmental Protection Officer has considered the applicants Air Quality Assessment in detail and has also considered its results/conclusions against recent updates to the EPUK methodology. The EPO has concluded that he considers that the assessment is sufficiently robust to inform a judgement of the overall impact on air quality and that furthermore, he considers that a cautious approach to the assessment has been undertaken. The EHO has noted that the development will not result in new exposures to poor air quality within the development site itself or within the Malton AQMA and that the proposed development would not prevent implementation of the Malton Air Quality Action Plan.
- 7.163 Notwithstanding this, the development will result in additional traffic and as the air quality assessment builds in assumptions for improvements in vehicular technology,(including the growth in the use of low and zero emission vehicles) the EPO has suggested that any approval of the development should be subject to conditions to secure specific Travel Plan measures to encourage alternatives to single-occupancy car use and electric vehicle charging points. (One point per residential dwelling with dedicated off-street parking and one charging point per 10% of undedicated spaces). The applicant has indicated that they are willing to provide electric charging points and infrastructure within the development.
- 7.164 The Air Quality Assessment and response of the EPO have generated a number of specific and detailed objections to the scheme from the West Malton Residents Group and also another member of the public. The concerns relate to a number of elements of the methodology, including concerns that predicted vehicle emission improvements have been overestimated and that the proposed HGV restrictions have not been factored into the assessment. These letters of objection are available for Members to view on the public website. The Air Quality consultants acting for the applicant have taken the opportunity to respond in detail to these comments and given that this is a matter which has raised specific and very detailed concerns, the applicants' response is appended to this report. The EPO has considered the further objections and the applicants' response and remains of the view that the proposed development would not prevent the implementation of the Malton Air Quality Action Plan.
- 7.165 In the light of this expert opinion , it is considered that the proposed development would comply with national and local policy in relation to air quality.

Social Infrastructure

- 7.166 Policies SP10 (Physical Infrastructure) and SP11 (Community Facilities and Services) aim to secure improvements to social infrastructure, including education, health, open space and recreational facilities which are necessary as a result of new development.

Education

- 7.167 North Yorkshire County Council has confirmed that the two existing primary schools in Malton would not have sufficient capacity on their existing sites to accommodate the additional pupils generated by the level of housing proposed.

It has confirmed that there is a requirement for additional land for education purposes and have advised that without adequate provision for additional school places it would be unable to support the application. In addition, the education authority has confirmed that it is also seeking financial contributions towards the delivery of additional primary and secondary education based on their cost per school place multiplier. Without taking into account purpose built residential units for the elderly this equates to financial contributions of £1,495,560 and £775,192.60 for primary and secondary provision respectively (based on a scheme of a maximum of 500 units).

- 7.168 The applicant has confirmed that it will make financial contributions towards primary and secondary provision. In addition, the applicant has confirmed that it will make 1.5 ha of land in its ownership available for educational purposes. The site is land to the south of Castle Howard Road and to the west of the existing allotments. The County Council has confirmed that in principle the location, size and orientation of the land would be acceptable for their purposes. The applicant's Viability Appraisal assumes that the land value for the educational land will be deducted from the financial education contributions. NYCC's response to this is awaited. Members will be updated at the meeting.
- 7.169 Subject to NYCC's response, it is possible that the impact of the proposed development on primary school capacity can be mitigated. The provision of the educational land is a benefit of the scheme on the basis that provides the ability to address some further demand for additional school places into the future should this arise.

Health and Emergency Services

- 7.170 A number of objections have been made on the basis that existing health provision, most notably GP services are at capacity and that the additional demand arising from the development can not be accommodated or could not be accommodated without a worsening in health services for the existing community. Similarly some objections raise concerns with the capacity of emergency services to cope with an increased population.
- 7.171 The development plan does not identify a requirement for additional space for health provision at Malton and Norton based on the planned level of housing for the Principal Town. Officers are not aware of a need for additional space for health or emergency services in Malton. Notwithstanding this, the applicant has stated that within the description of the development applied for, space could be provided to accommodate some health services if demand for this has arisen.
- 7.172 It should also be noted that access to GP services and the capacity of emergency services can be a function of many factors. For example, the recruitment and retention of GP's is reported as being a national issue for health services. The management of health and emergency services is not something that the planning process can directly influence and improvements to these services which arise as a result of a growing have the ability to be addressed through specific funding mechanisms. Formal objections to the application have not been received from health providers or from any of the emergency services. It is considered that refusal of planning permission on the basis of the capacity of these services could not be justified.
- 7.173 Members should be aware that in support of the scheme, the applicant has provided a copy of a letter from the Scarborough and Ryedale Clinical Commissioning Group (CCG). The CCG has confirmed that the letter contains generic information to interested parties on the ways in which new development considers the current and future needs of the population and is not designed to provide explicit support for the application.

Notwithstanding this, a number of the points made by the CCG - the provision of facilities that could be used as multi-purpose consulting space: homes suitable for adaptation: accessibility and the design of development to promote healthy lifestyles are all elements that the development has the potential to provide.

Public Open Space

- 7.174 Policy SP11 of the Local Plan Strategy requires the provision of on-site informal amenity space and formal children's playspace.
- 7.175 Material supporting the application makes it clear that Green Infrastructure is integral to the design approach. The applicant has confirmed that the proposed linear village green is approximately 1.4ha in size and whilst the proposed perimeter areas of greenspace provide structural landscaping, it is understood that these will also be available for informal recreational activity. On this basis, it is considered that the proposal would provide a level of informal amenity greenspace which would exceed the on-site policy requirement calculated as 1.50 ha. In addition, the proposed development generates a requirement for a range of children's playspace with a minimum activity zone area of 0.36 ha and that this would include the provision of a Neighbourhood Area for Play as well as smaller facilities. The applicant has confirmed that children's playspace will be provided within the site.
- 7.176 Market Town amenity space is an open space typology which is currently lacking in Malton. The ability of the site to provide a village green type facility, together with the requirement to provide equipped areas for children's play would assist in addressing this deficiency and this is considered to be a significant benefit of the scheme. The applicant has confirmed that it is not the intention that the use of public open space on the site will be restricted.
- 7.177 The amount and type of open space on the site would be secured by way of a condition should members approve the application. In addition, it is also considered that the production of a strategy for the use and specification of public open space on the site should be a condition of any approval given the size of the site and the level of open space which is proposed to be provided.
- 7.178 The Design and Access Statement also confirms the applicant's intention to provide two areas for allotments within the scheme.
- 7.179 Policy SP11 is designed to operate alongside the Community Infrastructure Levy. The latter will be used to fund improvements to formal sport and recreational facilities overtime. However, it is considered that the application would contribute or has the potential to contribute to formal sport and recreation through:
- The provision of land for education which would include a playing field
 - Jogging and cycling routes within the site
 - The proposed community hall
- 7.180 It is considered that the information provided in support of the application demonstrates that the site is capable of delivering public open space which would address policy requirements.

Noise

- 7.181 Policy SP20 (Generic Development Management issues) requires developers to apply the highest recognised standards in relation to noise. The National Planning Policy Framework makes it clear that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

- 7.182 The noise standards or criteria that this Council seeks to apply are established through a British Standard and World Health Organisation for internal daytime and night-time noise, as well as the World Health Organisation criteria established for daytime external amenity area noise. The Council seek to ensure that these criteria are achieved with windows open.
- 7.183 The site is located adjacent to the A64 trunk road and Castle Howard Road and a noise assessment submitted with the application illustrates that the site is affected by road traffic noise primarily from these sources.
- 7.184 The noise assessment has used the (withdrawn) indicative masterplan/ the layout of the site as illustrated in the Design and Access Statement to model and predict noise levels across the site. It reveals that development and building massing around the perimeters of the site which are exposed to noise help to attenuate noise levels across the site.
- 7.185 Without development and building massing providing acoustic attenuation, the assessment makes it clear that predicated noise levels across the majority of the site would not meet the WHO outdoor noise criteria/standard. With building massing, outdoor noise standards can be achieved across much of the site with the exception of the outdoor areas which are located between the roads surrounding the site and the buildings proposed along the south, west and (to an extent) northern boundaries of the site.
- 7.186 The assessment demonstrates a similar pattern in relation to internal noise. With building massing in place, internal noise levels can be achieved within the majority of buildings on the site but that buildings on the south, west (and to an extent) northern boundaries cannot achieve night-time noise standards or daytime noise standards (with windows open).
- 7.187 The noise assessment identifies a number of mitigation options to provide acoustic screening across the site including layout, property design, orientation of buildings, internal layout and the use of walling or close boarded fencing to garden areas to help reduced noise levels at the most exposed boundaries and areas of the site. It states that the use of building massing at a distance of 50m from Castle Howard Road and Middlecave Road and at a distance of 75m from the A64 can reduce noise ingress into the remainder of the site to achieve the various noise criteria. It advises that any residential buildings used for this purpose will need to be single aspect with habitable rooms located on quieter facades and with any glazing on the noisiest facades serving non-sensitive rooms.
- 7.188 The assessment has concluded that the use of perimeter acoustic fencing to the site would not result in discernible noise reductions at first floor height or above.
- 7.189 In response to the assessment, the Environmental Health Officer raised concerns over the number of properties (based on the indicative layout) around the perimeter of the site which would be affected by noise and that the work had not demonstrated in sufficient detail that noise standards could be achieved. The applicant subsequently commissioned further illustrative design work using a 'sample cell' on the western perimeter of the site to illustrate how noise levels could be achieved through design mitigation options. The EHO however, remains concerned that this further detail has not demonstrated an ability to comply completely with noise standards and is of the view that the developable area of the site is more restricted than the applicant would wish, particularly without the benefit of perimeter acoustic screening.
- 7.190 The design led mitigation options suggested by the applicant's noise consultants may well enable noise levels to be achieved across the site. This will inevitably present a challenge for the overall design and layout of the site and the detailed design, orientation and internal layout of residential properties nearer to the edges of the site.

Officers have concerns that the work does not demonstrate that an acceptable design solution is achievable, particularly in view of the length of those sides of the site which are exposed to noise sources. However, Members are reminded that the application is in outline and the extent to which the design led mitigation options are acceptable is a matter to be determined through the consideration of reserved matters applications.

- 7.191 Notwithstanding this, in considering the application in outline form, it is important that the Local Planning Authority is confident that the proposed quantum of development is acceptable in principle. For this application, this means that the LPA needs to be satisfied that a maximum of 500 homes can be accommodated on the site.
- 7.192 In responding to the concerns of the EHO, the noise consultant for the applicant has confirmed that with design considerations and mitigation measures they are confident that the noise criteria required by the LPA can be achieved "without a significant loss in the overall number of residential units". There is an acceptance therefore, that a reduction in numbers from the proposed maximum of 500, will be required. This would appear to confirm the EHO's concerns that the developable area of the site is more restricted than the applicant would wish and confirms that the maximum number of units for which planning permission is sought cannot be delivered whilst achieving noise standards at all properties.
- 7.193 It could be argued that as the application proposes 'up to' 500 new homes, a condition could be applied to ensure that appropriate noise standards are achieved which would in turn establish the number of homes to be delivered on the site. However, Officers consider that it is not the role of a condition to establish the principle of the quantum of development on a site and the absence of information which demonstrates that the proposed maximum quantum of development can be accommodated on the site is of significant concern with the application as it currently stands.
- 7.194 If Members are minded to grant permission for the proposed development, it is considered that it would more difficult to resist subsequent reserved matters applications which demonstrate that noise standards can be achieved for a maximum of 500 homes but only through design details or increases in scale/height which may be considered to be inappropriate.
- 7.195 The noise assessment recognises that the mix of uses on the site have the potential to cause noise disturbance to the proposed residential units. Members are reminded that the application is in outline and that the location and juxtaposition of uses at a reserved matters stage will be an important way in which noise impacts would be mitigated. The assessment has indicated that acoustic fencing may also be required as part of detailed designs, in order to reduce noise. It is also considered that conditions to restrict hours of operation and deliveries would also be necessary to mitigate adverse impact on the amenity of future residents and existing neighbours of the site.

Residential amenity of neighbours

- 7.196 Policy SP20 (Generic Development Management Issues) seeks to ensure that new development will not have a material adverse impact on the amenity of neighbours or the wider community. The National Planning Policy Framework also makes it clear that it is a core principle of planning to seek to secure a good standard of amenity.
- 7.197 A significant proportion of objectors to the scheme have raised concerns that directly or indirectly through changes in the character of the area, the scheme will result in loss of amenity for residents of the neighbouring area.

Concerns include noise and disturbance associated with uses on the site; general increased activity and traffic in the local area; potential for loss of privacy and overlooking together with visual impact and change in outlook.

- 7.198 Members are reminded that the application is in outline form. It is considered that issues of privacy or overbearing effects on immediate neighbours (properties aligning the west of Castle Howard Drive; properties which align the private road to the property known as the Uplands and the property known as The Limes (number 1a) Castle Howard Drive) would could be avoided through the sensitive siting and design of buildings in future reserved matters applications. In addition, at the reserved matters stage, the appropriate siting of uses with the potential for noise generation will also ensure (together with conditions to control activity to manage noise) that immediate neighbours of the site are not subject to unacceptable levels of noise and disturbance.
- 7.199 The immediate neighbours of the site (and to a lesser extent the properties off Fitzwilliam Drive which face the open countryside) will experience a visual impact as a result of the development of the site. Whilst many of these properties are afforded views of open countryside including the application site and beyond, Members are aware that the loss of a private view is not in itself a material consideration to which weight can be applied. Notwithstanding this, the proximity of the site to immediate neighbours will affect their current outlook and has the potential to affect the residential amenity of the occupiers of these properties.
- 7.200 However, existing mature trees and hedging to the rear of the gardens of these properties together proposed landscaping of the application site will obscure and limit the outlook of these properties, especially in the summer months and periods when the vegetation is in leaf. It is considered that the change in outlook will be felt most during the winter months and those periods of the year when the gardens of these properties are less well used. Natural features will continue to form part of the outlook to the site and for these reasons it is considered that the effect on the residential amenity currently enjoyed by residents would not be unacceptable.
- 7.201 The proposed development would result in increased activity and traffic in the local area. However with controls over the level of traffic using Middlecave Road; on the amount and type of commercial and retail floorspace and on hours of use, Officers have no reason to believe that the development would result in an unacceptable impact on the amenity of the residents of the wider area. It is considered that the development would not result in such significant changes to the character of the area to affect amenity to any significant extent. The proposed development is a predominantly residential extension to an existing residential area and the nature and level of activity is not out of character with the predominantly residential nature of the locality or from what could be reasonably expected in an edge of town location.
- 7.202 Objections have also been received in response to the projected build period and consequently, the length of time that local residents will be subjected to disturbance and disruption during the construction period. The direct effects of construction actively on the site would vary as the site is built out and in that respect, the effects of construction activity on neighbours will vary according to stages of build and the location of activity on the site at any one time. The intensity of construction effects will be temporal, even during a long build out period. Members should not that if they are minded to grant permission for the application , this would be subject to a condition that a construction management plan is agreed in order to protect , in part, the amenities of local residents. It should be noted however that the effects arising out of the construction period are covered by control of pollution legislation.

Drainage

- 7.203 Policy SP17 of the Local Plan Strategy seeks to manage flood risk through the use of sustainable drainage systems where this is feasible. The policy also aims to ensure that new development can take place without an unacceptable impact on water supply and to ensure necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development.

Foul Drainage

- 7.204 A revised drainage strategy to support the application notes that there are no suitable foul sewers within the site or within a reasonable distance of the site which would allow the site to drain under gravity. In consultation with Yorkshire Water, the applicant has designed an off-site foul water sewer to discharge into the public sewer at York Road Industrial Estate. As a result of the topography of the site, not all of the foul water will drain under gravity and the drainage strategy includes a pumping station to serve the northern third of the site.
- 7.205 Yorkshire Water has confirmed that the local waste water infrastructure does not currently have the capacity to remove and treat foul water from the whole of the proposed development. It has not objected to the application on the basis of the supporting drainage strategy but has recommended that if planning permission is to be granted that conditions and informatives are applied. Specifically, Yorkshire Water is seeking to ensure that suitable conditions are used to ensure that the development is constructed and phased in a timely manner, in order to ensure that adequate drainage and treatment capacity can be provided to serve the development.

Water Supply

- 7.206 A 250mm water main runs diagonally across the site from Castle Howard Road to the A64. Yorkshire Water has a formal easement protecting the main as well as statutory rights of access. The presence of the main and the easement will have implications for the detailed design and layout of the site. Over the course of the application, Yorkshire Water has expressed concern with the (now withdrawn) indicative layout which illustrated development over the route of the main. In responding to consultation on more recent supporting information, Yorkshire Water has also confirmed that plans illustrating the location of a surface water retention basin over the main would not be acceptable and that they would object to such a scenario. It is however aware that the application is in outline and has confirmed that the applicant has contacted them regarding the possible diversion of the route for the water main, although it is understood that an alternative route has not yet been agreed. A diverted main would be subject to the same easement restrictions and rights of access and this would need to be addressed in reserved matters applications.
- 7.207 The water company has also advised of another water main in the vicinity of the access to the site on Castle Howard Road which would be affected by the development and have confirmed that this would need to be protected or more likely diverted.
- 7.208 Yorkshire Water has stated that if planning permission is granted for the development it should be subject to a condition to prevent the obstruction of the water mains or disturbance of ground levels within a total protected strip width of 10m or that evidence is submitted to demonstrate that the mains will be diverted in a satisfactory way.

Flood Risk and Surface Water Drainage

- 7.209 The application is supported by a Flood Risk Assessment Report which confirms that the site lies within Flood Zone 1 and as such is not considered to be at risk from flooding. In this respect, the proposal complies with Policy SP17 (Managing Air, Quality, Land and Water Resources) of the Local Plan Strategy and is consistent with national policy and guidance.
- 7.210 The Drainage Strategy supporting the application confirms that geo-environmental reports confirm that the site is suitable for the use of sustainable drainage techniques. The strategy confirms that it is the applicant's intention that all surface water run-off, including a storm and climate change allowance will be attenuated through the use of SUDS features including soakaways, swales, attenuation basins and permeable paving. It confirms that no surface water run off will impact upon land or downstream infrastructure.
- 7.211 The Environment Agency has confirmed that it has no objection to the proposed development subject to a condition requiring that surface water drainage scheme is approved before any development takes place. It has confirmed that the condition will need to ensure that the drainage scheme:
- demonstrates that the surface water run-off generated up to and including the 1 in 100 critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event
 - includes measures to ensure that surface water run-off discharge to be at greenfield rate; to provide attenuation and storage to accommodate at least a 1 in 30 year storm as well as ensuring that storm water resulting from a 1 in 30 year storm, plus 30% to account for climate change and surcharging the drainage system can be stored on site and; details of the maintenance and management of the system after completion
- 7.212 Yorkshire Water has advised that that there is no capacity in the sewer network for additional surface water disposal from the site and has stated that if permission is granted for the site it should be subject to conditions which ensure separate systems for foul and surface water drainage.
- 7.213 The site is located above a Principal Aquifer and if permission is granted for the development it will need to be subject to conditions to ensure that the risk of pollution and contamination is addressed in an acceptable way by the surface water drainage scheme.
- 7.214 The Vale of Pickering Internal Drainage Board has confirmed that its ditch network will not be affected by the proposed development.

Ground Conditions

- 7.215 Policy SP20 (Generic Development Management Issues) expects developers to address the potential risks associated with land contamination. The application is supported by a Stage 2 Geo-Environmental report which confirms that there are no elevated levels of contaminants at the site. The report concludes that no further investigation or remedial work is required for much of the site. It recommends that further investigation in respect of demolition and refurbishment of buildings and area of land associated with the veterinary surgery. The Environmental Health Officer has confirmed that the investigations and recommendations of the report are satisfactory and advises that if members are minded to approve the application, that a condition is used to ensure that the area around the veterinary surgery is inspected and any unforeseen contamination is investigated and remediated if necessary.

Biodiversity

- 7.216 Policy SP14 (Biodiversity) of the Local Plan Strategy seeks to ensure that biodiversity in Ryedale will be conserved and enhanced. It looks to resist development proposals which would result in significant harm or loss to Biodiversity, consistent with national planning policy and guidance and the relevant legislation. The policy also seeks to secure net gains in biodiversity through the planning process and is considered to be consistent with the policies on biodiversity included in national policy (paragraphs 117-119 of the NPPF).
- 7.217 The planning application is supported by an Ecological Appraisal prepared in May 2014 and a Bat Survey Report which was prepared in June 2014.
- 7.218 The implications of the proposal for biodiversity have been considered in relation to:
- international and nationally protected sites
 - protected species
 - local sites of importance for nature conservation
 - local and national biodiversity priority habitats and species
 - biodiversity enhancements

Internationally and Nationally Designated Sites

- 7.219 The site lies in relatively close proximity (approximately 650m as the crow flies) from the River Derwent. The river is designated as a Special Area of Conservation (SAC) under European legislation (the Conservation of Habitats and Species Regulations 2010 – ‘the Habitats Regulations’). Following initial concerns raised by Natural England, officers have undertaken a Habitat Regulation Assessment in order to identify whether the proposal would have a significant effect on the SAC. The assessment considered the impact of the proposal in terms of the potential for increased disturbance of the otter population on the River and for increased sediment input and changes to water quality. It concluded that the proposal PDOCO and in combination with other development at Malton and Norton will not result in a significant effect on the SAC having regard to the features of European Importance which are the reason for its designation and the conservation objectives which are in place for the site.
- 7.220 The River Derwent is also designated under national legislation (the Wildlife and Countryside Act 1981, as amended) as a Site of Special Scientific Interest (SSSI). Having undertaken the Habitat Regulation Assessment referred to above, officers are of the view that the proposal PDOCO and in combination with other development, would not result in an adverse impact on the River Derwent SSSI. Natural England has confirmed that it is satisfied with the conclusions of the assessment.

Protected Species

- 7.221 A bat survey and ecological appraisal has found no evidence of bat roosts on the site. One of the outbuildings associated with the veterinary practice which is proposed for demolition has been identified as having moderate potential to support roosting bats along with a limited number of trees. The remainder of trees and outbuildings have been identified as having low potential for roosting bats. The survey work has also revealed the presence of nesting swallows in two of the outbuildings associated with the veterinary practice. These will be lost as part of the proposal.

- 7.222 The supporting information has confirmed that the site is used for foraging and commuting bats and that it is suitable habitat for foraging badgers. The Countryside Officer has advised that further surveys should be undertaken to confirm the presence of roosts if the development is approved and work is not undertaken within 12 months. The Countryside Officer has confirmed that the habitat enhancement and compensation measures and mitigation measures proposed by the applicant, including the installation of bat shelters and roosts, artificial swallow nests, habitat creation and lighting scheme/controls are appropriate in principle but that the quantity of artificial nests and shelters suggested should be increased. These measures could be secured through the use of a condition requiring the production of a Biodiversity Strategy based on the enhancement, compensation and mitigation measures presented in the Ecological Appraisal and Bat Report.
- 7.223 There have been recent reported sightings of Barn Owls on the site and the applicant has sought further advice from ecological consultants in response to the sightings. This has concluded that given the limited number of records locally and the sub-optimal habitat of the site there is no need for a further assessment and survey of barn owl at this time. The advice has also concluded that the creation and management of landscaping area around the perimeters of the site will support barn owl hunting and will retain north-south connectivity across the site. The Countryside officer has confirmed that the assessment has been correctly undertaken and that its conclusions are reasonable. He has confirmed that mitigation habitat would replace sub-optimal foraging habitat with a larger area of better quality habitat available for owl hunting and perching.

Local Sites of Importance for Nature Conservation (SINC)

- 7.224 The western boundary of the site runs concurrently with the boundary of the Malton Bypass Cuttings SINC which is designated for the semi-natural grassland habitat of the embankments and verges. Construction activity associated with the proposal has the potential of having an adverse impact on the adjacent SINC although it is considered that any potential impacts associated with construction activity could be avoided through an appropriate construction method statement which would be a condition of any approval. A further SINC – the Broughton Lane SINC is located to the west of the site beyond the A64. It is not directly connected to the site and is not considered to be at risk from direct adverse impacts from the scheme. However, the proposed development is likely to result in increased recreational use of the SINC although it is not considered that this would result in significant adverse effects on the SINC. Indeed, an appropriate biodiversity strategy for the application site could result in benefits to the biodiversity SINC.

Local and national biodiversity (Biodiversity Action Plan – BAP) habitat and species

- 7.225 Species rich hedges are present within the site and on its perimeter. The site also contains arable field margins and limited areas of semi-improved grassland both of which are BAP habitats which in turn support tree sparrows and farmland birds which are local as well as UK BAP species. The proposal retains existing species rich perimeter hedging on the perimeter of the site but will result in the loss of internal hedges, grassland and arable land that support farmland birds. Whilst this is a disbenefit of the scheme, it is considered that the wider farmed landscape beyond the site will continue to provide habitat to support farmland birds and that the effects of the scheme on BAP habitat and species can be mitigated and compensated for through the replacement planting of trees, species rich hedgerow and scrub as part of a Biodiversity Strategy for the site as advocated in the applicant's Ecological Appraisal.

Biodiversity Enhancement

- 7.226 The ecological appraisal supporting the application confirms the potential for the design of the scheme to secure improvements (net gains) to biodiversity. As well as the provision of specific measures such as bat shelters and boxes, it suggests that a landscaping scheme and the treatment and management of open space could improve species rich hedgerows and grassland on the site which would support local Biodiversity Action Plan objectives and projects such as the 'B-Line' pollinator project. Such biodiversity enhancements would need to be included within a Biodiversity Strategy which could be secured by way of a condition if members are minded to approve the application.

Heritage Assets

Historic Landscape and townscape character

- 7.227 Policy SP12 (Heritage) of the Local Plan Strategy seeks to ensure that distinctive elements of Ryedale's historic environment which includes the individual and distinctive character and appearance of Ryedale's Market Towns will be conserved and where appropriate enhanced. The policy also seeks to ensure the sensitive expansion, growth and land-use change in and around the Market Towns and Villages, safeguarding surrounding historic landscape character and setting of individual settlements.
- 7.228 Development of the site would represent the further westerly expansion of Malton. The site is adjacent to 20th century development which itself represents the relatively recent, modern expansion of the Town. In this broad sense, it is considered that development of the site for the uses proposed would not itself undermine or harm elements which contribute to the historic character and appearance of Malton as a historic Market Town and heritage asset.
- 7.229 Historic landscape characterisation records produced by North Yorkshire County Council indicate that the fields which comprise the northern half of the site are post medieval, planned large scale parliamentary enclosure with the southern half of the site made up of modern improved fields. In this respect, the proposal would not result in loss or harm of areas of historic landscape character that the development plan specifically seeks to protect.

Designated and non-designated heritage assets

- 7.230 Policy SP12 also seeks to conserve and where appropriate enhance, designated heritage assets and their settings and to protect other features of local historic value and interest. The policy is consistent with national policy in the NPPF which emphasises the desirability of sustaining and enhancing the significance of heritage assets.
- 7.231 The site lies approximately 150 m beyond the western boundary of the Malton Conservation Area on Castle Howard Road. The Building Conservation Officer (BCO) has noted that modern housing development along Castle Howard Road already forms a significant component of the setting of the Conservation Area and in this respect the Officer is of the view that this element of the character of the setting will be preserved by the development.
- 7.232 The Building Conservation Officer is also of the view that a further component of the wider setting of the Conservation Area is the rural, 'edge of town' feel which the application site as an undeveloped field contributes to in part. It is considered that this 'edge of town' quality is a secondary minor component of the wider setting of the Conservation Area given distances to the Conservation Area boundary and a lack of clear long distance views into and out of the Conservation Area.

- 7.233 The Officer has noted that it is difficult to fully assess the impact of the proposed development by virtue of the fact that the application is in outline. She has expressed some concern over the inclusion of taller buildings in relation to this rural edge of town character but is of the view that through careful placement, landscaping or reduction in heights, the impact on the character of the setting of the Conservation Area could be mitigated. Similarly, the BCO has expressed some concerns that lighting will also be important in helping to retain this rural edge of town character.
- 7.234 Although the rural element of the setting of the Conservation Area would be affected by the development of the site by virtue of the fact that an arable field would be developed, the BCO is of the opinion that some of the significant aspects that contribute to the rural qualities of the setting would be preserved through proposed landscaping and with the retention of existing trees in the foreground, along Castle Howard Road.
- 7.235 Proposed highway improvement works to Castle Howard, including footpath and road widening have the potential to affect the setting of the Conservation Area and the character and appearance of the Conservation Area. Existing verges and trees together with limited stretches of kerbing and limited signage are important elements which contribute to the character and appearance of the Conservation Area and its setting. These works will be secured through a S278 agreement to be undertaken by NYCC and officers will work to agree a specification to ensure that effects of works are mitigated in order to preserve the character and appearance of the Conservation Area and its setting. It is anticipated that this will mean that along some parts of Castle Howard Road, continuous footpath widths of 2m may not be able to be achieved.
- 7.236 It is considered that the site is therefore, capable in principle of being developed without harm to the character of the Malton Conservation Area and in a way which could preserve its setting. The proposal is therefore considered able to comply with Policy SP12 of the Local Plan Strategy and national policy and accordingly, the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area is satisfied.
- 7.237 No listed buildings are affected by the application either directly or by virtue of an impact on their setting. The proposal retains Middlecave House which is an attractive 19th century building and as such is a non-designated heritage asset. This is a modest benefit of the proposal.

Archaeology

- 7.238 The application is supported by an archaeological desk based assessment and trial trenching results. North Yorkshire County Council's historic environment team has confirmed that it did consider the site to have medium archaeological potential but that the information provided by the applicant has revealed that the site is heavily truncated by ploughing and that limited archaeological features have been noted. Those features that have been found have been heavily disturbed and found to be shallow in section. Consequently, the County Council has confirmed that they are able to support the recommendation in the trial trenching report that no further archaeological work is required at this site.
- 7.239 It is considered that the proposal would not result in unacceptable harm to known archaeological interests and accords with Policy SP12 of the Local Plan Strategy (Heritage) and the NPPF (Paragraphs 128 and 129)

Loss of Agricultural Land

- 7.240 Policy SP17 (Managing Air Quality, Land and Water Resources) looks to resist the loss of best and most versatile agricultural land unless it can be demonstrated that the use proposed cannot be located elsewhere and that the need for the development outweighs the loss of the resource. The NPPF (paragraph 112) requires that local planning authorities take account of the economic and other benefits of the best and most versatile agricultural land and states that where the significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
- 7.241 The applicant has provided a detailed Agricultural Land Classification assessment. This reveals that 82% of the site is Best and Most Versatile Agricultural Land. 78.54% of the site (17.08ha) is land grade 3a and 3.18% of the site (0.69 ha) is grade 2.
- 7.242 It should be noted that much of the open land around Malton and Norton is agricultural grades 2 and 3 and that planned housing requirements for the Principal Town will require the use of land which is at least Grade 3 in quality. Without detailed information on the presence and location of land sub grades 3a and 3b, it would not be reasonable to assume or insist that the development could be located elsewhere on land of lower agricultural quality.
- 7.243 Notwithstanding this, the development of the site would result in the loss of Best and Most Versatile Land and this is a disbenefit of the proposal which will need to be considered in the overall planning balance. Members should be aware that Natural England has not objected to the scheme on the basis of the loss of Best and Most Versatile Land.

Trees

- 7.244 Policy SP 14 (Biodiversity) seeks to protect ancient and veteran trees and a number of other policies within Section 7 of the Local Plan Strategy recognise the contribution that trees make to biodiversity, Green Infrastructure networks, landscape character, good design and visual amenity.
- 7.245 There are no ancient and veteran trees on the site. Within the site, existing mature trees are largely associated with the historic curtilage of Middlecave House and with some of the internal field boundaries. Mature trees align much of the eastern boundary of the site on adjacent land and also align the highway verge along Castle Howard Road.
- 7.246 A number of individual trees and groups of trees are the subject of a Tree Preservation Order. These are mainly located in the northern section of the site, although a number of trees within the gardens of adjacent properties to the east of the site are also subject to the same order, including the group of mature trees to the rear of the property 'The Uplands'. In addition, the stretch of lime trees which align the private road to the Uplands from Castle Howard Road are also the subject of a Tree Preservation Order.
- 7.247 The Arboricultural and Landscape Report prepared to accompany the application confirms that it is the applicants intention to retain the majority of trees on the site with the exception of a mature lime tree in the centre of the site, a small group of trees to the west of the outbuildings associated with the veterinary surgery and a small group of trees along Middlecave Road, to the east of Middlecave House.

- 7.248 The Tree and Landscape Officer has confirmed that the loss of these smaller groups of trees is acceptable as they are of relatively low quality. However, the Officer objects strongly to the proposed loss of the mature lime tree. He has also expressed some concern that some of the better quality trees on the site would be adversely affected by the proposals or would have a negative effect on occupiers. These trees are the subject of a Tree Preservation Order and given that the application is in outline it is considered that through careful attention to design and layout they can be retained within the scheme.
- 7.249 The report also confirms that all existing internal hedgerows would be lost to the development but that all perimeter hedges are to be retained. Internal hedgerows are integral to the intrinsic landscape character and natural beauty of the site and their loss is a disbenefit of the scheme.
- 7.250 Although access is a reserved matter, illustrative locations for a primary access to the site on Castle Howard Road may have implications for a limited number of mature trees, depending on the details of access arrangements. Whilst this would be an adverse impact of the scheme, it is considered that this would be offset, in part by comprehensive landscaping and tree planting proposals. The indicative primary access point on Middlecave Road is very close to a protected tree and tree group and design details would need to avoid loss and damage to these trees.

Public Rights of Way

- 7.251 There are no public rights of way within the site. A public footpath also runs through the plantations to the west of the site and the A64, from Braygate Street towards Broughton and the B1257. Another footpath runs between the rear of the gardens of properties off Fitzwilliam Drive and the allotments on Castle Howard Road. It is considered that the application has no direct impact on these two Public Rights of Way.
- 7.252 The nearest public right of way to the site is the bridleway which runs from the veterinary surgery on Middlecave Road across the A64 and into the countryside beyond. Although access to the site is a reserved matter, the indicative illustrations in the Design and Access Statement show vehicular access to the site at two points along Middlecave Road, one in front of Middlecave House and a smaller access point in the vicinity of the current car park for the veterinary surgery. This smaller point of access is off the public bridleway. Whilst limited vehicular access to the surgery is currently already provided off the Bridleway, North Yorkshire County Council has advised that if planning permission is granted for the development, an informative is added to the decision notice stating that no works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way.

Economic Considerations

- 7.253 National planning policy emphasises the need to ensure that planning supports economic growth and paragraph 19 of the NPPF makes it clear that significant weight is placed on the need to support economic growth through the planning system.
- 7.254 The proposal will provide direct economic benefits in the form of employment space, increased expenditure in the local economy and potential job opportunities during the construction period. In the longer term, it is anticipated that an increased population will contribute to increased expenditure in the local economy.

Permission period sought

- 7.255 The applicant is seeking an extended outline planning permission covering a ten year period in which to submit all reserved matters applications with provision for development to begin within two years of the date on which the final reserved matters are approved. Members are aware that normally outline planning permission is subject to a condition provides a three year period in which to submit all reserved matters applications and for development to begin within two years of the date on which the final reserved matters are approved.
- 7.256 The time period sought for the permission reflects the anticipated build out period for the scheme, the applicant's intention that the scheme would be developed in a number of phases and that reserved matters applications would be made consecutively for different phases. The applicant has provided information which illustrates how the development of the site would divide into different development parcels, estimations of the point at which reserved matters applications would be submitted and assumed periods of delivery.
- 7.257 If Members are minded to grant permission for the development, it is considered that this should be subject to specific time limit conditions to ensure the timely submission of the reserved matters applications. This would be different to the use of a typical time limited condition covering ten years with subsequent conditions establishing the time period for the approval of reserved matters and commencement of development. The conditions would establish time periods for the submission of reserved matters for specified development parcels and for the commencement of development included in each of the phasing conditions.
- 7.258 The use of such conditions is considered to be necessary in order for the Local Planning Authority to ensure that housing land supply can be properly managed. Phasing conditions would need to reflect the fact that structural landscaping and a development masterplan would need to be agreed and in place as an initial phase of the scheme and that development is phased in such a way as to ensure acceptable noise mitigation can be achieved.

Other Issues

- 7.259 A number of wider issues have also been raised in comments made on the application.

Overhead Power Lines

- 7.260 A number of comments express concern over the principle of locating development in close proximity to the overhead electricity transmission lines which cross over the south western edge of the site. Health and safety concerns have been raised that the proximity of new homes to electromagnetic fields (EMF's) generated by power lines have been linked to increases in illness, including cancers and childhood leukaemia in particular. Currently in the UK, the Government's position (advised by the National Radiological Protection Board) is that there is no established causal link between cancer or other diseases and EMF's. The Government does not recommend any special precautions for the development of housing near powerlines on EMF grounds and against this, it is considered that the Authority cannot apply significant weight to those concerns.
- 7.261 Notwithstanding this, there are good operational and amenity reasons for ensuring the careful siting of built development and landscaping in the proximity of lines. The indicative material provide with the application indicates that the developer does not intend to locate built development or landscaping directly under the lines and the applicant will need to comply with statutory safety clearances which would be addressed as part of reserved matters applications.

Prematurity

- 7.262 A number of objections to the application have raised concerns that the release of the site in advance of decisions on land allocations being made through the Local or Neighbourhood Plan. The point is made that this would prejudice the ability of local communities to influence or make land use decisions in their area and that this is not what local people understand the Localism agenda to be.
- 7.263 Advice on ‘prematurity’ is included within the Planning Practice Guidance (PPG paragraph 014) which accompanies the National Planning Policy Framework (NPPF). It makes it clear that within the context of the NPPF and the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission. The circumstances which could justify a prematurity argument are likely, but not exclusively limited to situations where both:
- “a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.*
- 7.264 The PPG goes on to confirm that *“refusal of planning permission on the grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on the grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.*
- 7.265 Whilst work on the local plan site allocations document is progressing, in terms of the plan-making process there is some distance to cover before the sites document reaches an advanced stage. Officers consider that the sites document is not sufficiently advanced to justify a prematurity reason for refusing the application.
- 7.266 Similarly, Members will be aware that Malton and Norton Town Council’s intend to produce a Neighbourhood Plan for the twin towns, taking forward work on a draft plan which was prepared several years ago. The scope and content of the Neighbourhood Plan is to be confirmed and as yet, the first stage in the Neighbourhood Planning process - the application for the designation of the Neighbourhood Area is yet to be made by the Town Councils. It is evident therefore, that the Neighbourhood Plan is not sufficiently progressed to a stage where it could be argued that the application would prejudice policies or proposals in an emerging Neighbourhood Plan.
- 7.267 Furthermore, in terms of the scale and broad location of the development proposed, the proposal is consistent with Policies SP1 and SP2 of the Development Plan which are designed to guide and distribute new development at Malton and Norton. In this respect, it is considered that the proposal alone or in combination is not so substantial as to undermine the plan-making process.
- 7.268 Officers are confident that a prematurity argument can not be substantiated and that a refusal of the application on prematurity grounds alone would be unreasonable and could not be justified.

Weight of Public opinion

- 7.269 Members will be mindful of the fact that there is significant local opposition to the proposal. Members are reminded that whilst planning authorities are expected to consider the views of local residents when determining planning applications, the extent of local opposition, is not in itself, a reasonable ground for refusing development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence.

Property Values

- 7.270 A number of objections to the proposal have raised concerns that it would result in a deflation in nearby property values. However, Members are aware that planning is concerned with land use in the public interest rather than the protection of private interests such as the impact of a development on the value of neighbouring properties.

8.0 CONCLUSION

- 8.1 The site is not allocated for the development proposed in the Development Plan and this report has outlined the range of considerations that need to be weighed in the balance in the determination of the application.
- 8.2 The extent to which the benefits of the proposal outweigh any adverse impacts associated with the scheme is integral to the determination of the application. Officers consider that there are benefits of the development as well as adverse impacts and that there are a number of factors that influence the weight to be attributed to these.
- 8.3 In summary, the site is in a relatively accessible location adjacent to an existing residential area and this is a benefit of the application. The provision of purpose build accommodation for the elderly is also a benefit of the scheme and will help to address existing identified need for this form of accommodation. The economic benefits to the local economy of new house building and habitat improvement measures are also benefits of the scheme.
- 8.4 The proposed development will provide some additional choice in the new build housing market. However, Members will be aware that a number of sites are currently under construction or are committed at Malton and Norton which will be built by a range of developers offering a range of new build house types. The existing supply of small site commitments also provide for self-build opportunities. Cumulatively, the market is providing a choice of new build properties. If built in the 'Poundbury' style as outlined in the Design and Access Statement, the proposed development would offer a more 'bespoke' product which is not currently available at Malton. However, officers consider that the landowner has a specific approach to the development and delivery of the site which is in part a reason why the developer contribution towards affordable housing is low. This is an issue which, in the view of Officers, tempers the benefit associated with such a unique scheme.
- 8.5 The provision of some employment space is a benefit of the application although significant weight is not attached to this element of the scheme given that the overall level of employment space is limited and employment land has been recently released by the Authority at Malton.

- 8.6 The developer contribution of education land is a necessary mitigation measure for the development and in that respect is not a benefit of the scheme. The benefit associated with this contribution is that it would enable primary school capacity to be available for the longer term should this be required. It is considered that this is a benefit of the application.
- 8.7 Release of the site at this stage will help to provide a continuity of housing land supply. This is a benefit although Officers are confident that through a combination of the existing housing land supply position and the timing of the production of the sites document, a continuity of housing land supply to meet planned requirements will be maintained.
- 8.8 Some benefits may be derived by the local community from the proposed neighbourhood facilities and open space. The potential for the site to deliver strategic market town amenity space would help to address a current identified deficiency and this is a significant benefit of the scheme.
- 8.9 The proposed affordable housing contribution is not considered to represent a significant benefit of the scheme against a context of acute affordable housing need across the District and the Principal Town. Indeed, it is considered that inability of the site to deliver affordable housing in any significant number results in disbenefit for the Town.
- 8.10 A number of adverse impacts associated with the application can be suitably mitigated and addressed. Notwithstanding this, it is considered that there are adverse impacts which weigh against the application.
- 8.11 In summary, the development of the site will result in the significant and demonstrable harm to local landscape character. The site provides an attractive approach to the Town. Its intrinsic character and natural beauty will be lost and this is considered to be a significant adverse impact of the development proposed which weighs significantly against the benefits which would be derived.
- 8.12 The scale of the development proposed equates to one third of the planned housing requirement for the Principal Town. The inability of the scheme to provide affordable housing to any meaningful extent will mean that further land would need to be released at Malton and Norton in order to address identified affordable housing need. Furthermore, the low level of affordable housing on a site of such scale and in an area of Malton with no existing social housing stock, would not help to create an inclusive and mixed community at this part of the Town and would further perpetuate imbalances across the Town. The inability of the scheme to provide affordable housing to any meaningful extent weighs significantly against the benefits which would be derived.
- 8.13 The development of the site will result in the loss of Best and Most Versatile land. Whilst this is an adverse impact of the scheme, it is recognised that land of equal or higher value will be required at Malton and Norton in order to meet planned requirements and against this context, officers are of the view that significant weight should not be applied to this impact of the scheme.
- 8.15 Furthermore, it is considered that the applicant's Environmental Statement and Landscape and Visual Impact Assessment demonstrate that the proposed development would have an unacceptable adverse impact on the Howardian Hills Area of Outstanding Natural Beauty. Mindful of the statutory duty on this Authority to have regard to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty as well as to local and national policy, it is considered that this is an issue which weighs significantly against the proposal.

On balance, in relation to landscape impact, Officers are of the opinion that whilst some significant benefits would be derived from the scheme, the benefits of the application are not considered to outweigh the harm and adverse impacts which would arise as a result of the as development proposed.

- 8.16 It is also considered that the applicant has not demonstrated that the development proposed can be accommodated without a significant adverse impact on the townscape of Malton or so as to achieve appropriate noise standards. These are also issues which weigh against the proposal.
- 8.17 The Local Planning Authority has received advice that the scheme does not optimise the delivery of affordable housing. This undermines objectives of the Development Plan and conflicts with affordable housing policy contained within the Development Plan and is a matter which is considered to weigh significantly against the application. It is therefore, recommended that the application is refused for the following reasons.

RECOMMENDATION: Refusal

- 1 The proposed development is not in accordance with the Development Plan and does not comply with Policy SP2 of the Plan (The Ryedale Plan - Local Plan Strategy). The benefits of the development do not outweigh the harm to the intrinsic character and natural beauty of the open countryside and harm to an area of open countryside which by virtue of its natural beauty and intrinsic character forms an attractive approach to Malton. Furthermore, the proposed development is EIA development which at its closest point is 48m from the nationally protected landscape of the Howardian Hills Area of Outstanding Natural Beauty (AONB). The benefits of the proposed development do not outweigh the significant and demonstrable harm to the AONB by virtue of landscape and visual effects arising from the development in its totality, including proposed landscape mitigation. This is contrary to the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.
- 2 The site is located at the edge of the Town and on elevated land relative to other parts of the Town. The existing residential development directly abutting the application site to the eastern side is of a predominantly traditional scale residential development. Policy SP16 of the Local Plan Strategy requires new development to reinforce local distinctiveness by respecting the context provided by its surroundings which includes the structure of the Town and the topography and landform that has shaped the structure of the Town. Based on the information submitted with the application, it has not been demonstrated that the proposed development of a maximum of 500 dwellings can be accommodated in a satisfactory manner that complies with Policy SP16 of the Ryedale Plan - Local Plan Strategy without significant detriment to the character of the Townscape.
- 3 The A64 Trunk Road is located adjacent to the western boundary of the application site and Castle Howard Road to its southern boundary. The application site is therefore subject to road traffic noise. Policy SP20 of the Ryedale Plan - Local Plan Strategy requires that new residential development meets the highest noise standards including those of the World Health Organisation, British Standards and wider international and national standards relating to noise. Based on the information submitted, it has not been demonstrated that 500 dwellings can be accommodated on the application site in a satisfactory manner, without experiencing unacceptable levels of road traffic noise both during day-time and night-time. The proposed development is therefore contrary to the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Policy SP3 of the Ryedale Plan - Local Plan Strategy seeks the provision of 35% on-site Affordable Housing from the application site. Policy SP3 also requires the Local Planning Authority to maximise this affordable housing provision to achieve this target having regard to the circumstances of the individual sites and scheme viability. The applicants have undertaken a financial viability assessment which concludes an affordable housing contribution is only viable at a much reduced provision, equating to a contribution of 9%-10% affordable housing provision against the maximum number of 500 dwellings proposed. The viability assessment undertaken by the applicants has failed to justify this much reduced affordable housing contribution. In the absence of satisfactory justification, the proposal is therefore contrary to the requirements of Policy SP3 of the Ryedale Plan - Local Plan Strategy.

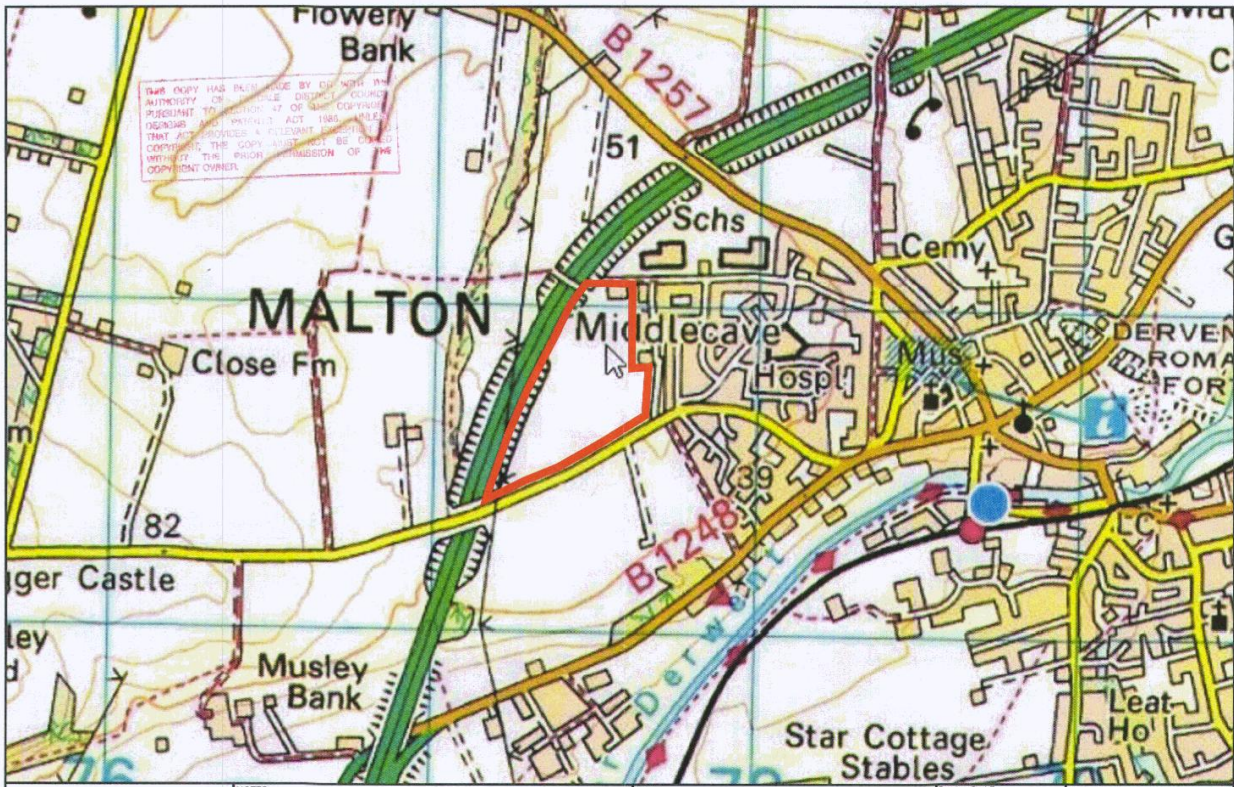
Background Papers:

Adopted Ryedale Local Plan 2002
Ryedale Plan: Local Plan Strategy 2013
National Planning Policy Framework and Planning Practice Guidance
Responses from consultees and interested parties
Howardian Hills AONB Management Plan
Malton Air Quality Action Plan

Jan Maciag Architects 21 Commerce Road Lynch Wood Peterborough PE2 6LR (01733) 391953	Project High Mallon	Drawing Title Red Line Plan on existing	Date May 2014	DRAWING NUMBER 137-5a
			Scale 1:1000	

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NOTES:

Client
 The Fitzwilliam Malton Estate
 Job Title
 Castle Howard Road, Malton, North Yorkshire

Scale @ A3
 1:10000
 Drawn by IAC
 Date Oct 2013

Drawing Title	
Location Plan 2	
Org.No.	Rev.
8757-LP-2	



ELEVATION A



ELEVATION B



ELEVATION C



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ELEVATION D



ELEVATION E

0 50m

Rev: N/A

1. EDAN KRIEGER
 with
 Jon Massey Architects
 10 Cornhill Lane
 Bristol, Bristol
 BS1 1JH

Project
 Hill-Milton

Drawing Title
 Elevations

Date
 March 2016

Scale
 1:200 @ A1 paper

DRAWING NUMBER

137-8



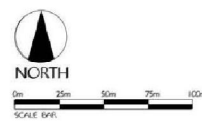
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LEGEND

- Site Boundary
- Proposed Native Structure, Shrub and Tree Planting
- Proposed Residential Development
- Proposed Attenuation Ponds
- Proposed Mixed Use
- Existing Vegetation
- Proposed Wildflower Meadow
- Proposed Phasing
- Proposed Tree Planting

**Insight to conceive
Expertise to realise....**

HIGH MALTON, NORTH YORKSHIRE INDICATIVE LANDSCAPE MASTERPLAN



ANDREW DAVIS
ARCHITECTS
Landscape Architects
& Environmental Consultants

Consent
High Malton, North Yorkshire
Indicative Landscape Masterplan

Scale	Drawn By	
1:1,250 @ A1	SJT	
Date	Checked	
March 2015	AD	
Project Number	Drawing Number	
WI1894	MP01	
Revision	Author: Steve Preece/John LPH	
G	Approved On: 04/03/15	
	Approved By: [Signature]	
	Site: 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	

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PLANTING SCHEDULE	
Planting Code	Plant Name
PL001	Plant Name
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PL005	Plant Name
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GENERAL NOTES

- The contractor will liaise with the main contractor to establish the location of all services and maintain access prior to installation and restoration of all paved areas and footpaths.
- Where it is not possible to install services in the proposed locations, the contractor must liaise with the main contractor to establish alternative locations.
- All planting and grass areas will be subject to a 12 month maintenance and watering programme.

SETTING OUT NOTES

- All trees, shrubs and plants to be planted in the proposed locations for approval by the Landscape Architect prior to planting.
- Low planting to be installed by the contractor and subject to approval by the Landscape Architect.
- Tree positions are to be set out and marked for approval by the Landscape Architect prior to planting.
- Approved tree planting to be carried out at approximately 200 plants per hectare.
- Planting to be carried out in the proposed locations for approval by the Landscape Architect.
- Planting to be carried out in the proposed locations for approval by the Landscape Architect.

TREE AND SHRUB NOTES

- All planting to be carried out in accordance with the Landscape Architect's specifications.
- Planting to be carried out in the proposed locations for approval by the Landscape Architect.
- Planting to be carried out in the proposed locations for approval by the Landscape Architect.
- Planting to be carried out in the proposed locations for approval by the Landscape Architect.
- Planting to be carried out in the proposed locations for approval by the Landscape Architect.

TYPICAL NOTES

- All areas to be landscaped are to be free from conventional ground.
- All areas are to be planted in line and installed to the following dimensions: (see landscape architect's specifications for details).
- Planting to be carried out in the proposed locations for approval by the Landscape Architect.
- Planting to be carried out in the proposed locations for approval by the Landscape Architect.
- Planting to be carried out in the proposed locations for approval by the Landscape Architect.

LEGEND

- Existing Trees
- Proposed Trees
- Existing Planting
- Proposed Planting
- Proposed Grass
- Proposed Structure
- Proposed Wild Flower Mix
- Proposed Amenities
- Proposed Paths
- Proposed Fences
- Proposed Structures
- Proposed Wild Flower Mix

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Detailed Design

**HIGH MALTON, NORTH YORKSHIRE
INDICATIVE LANDSCAPE APPROACH**

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Landscape Architects
High Malton, North Yorkshire

Indicative Landscape Approach - 1 of 2

Scale: 1:250 @ A0

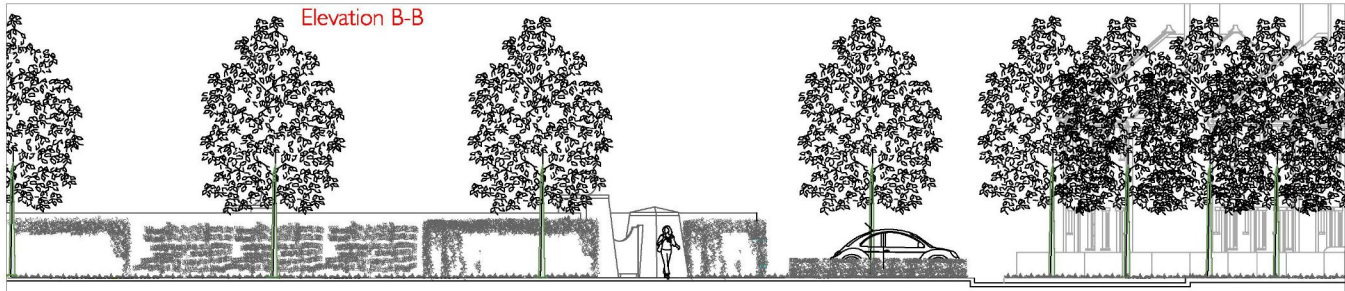
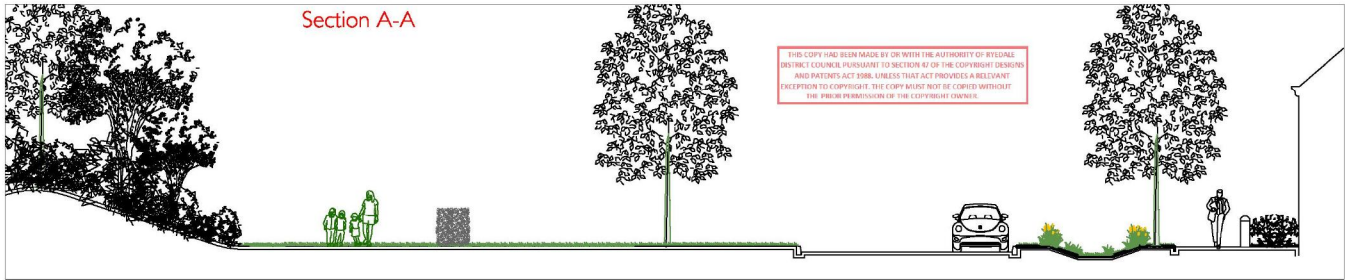
Client: AD

Date: March 2015

Project: W1894

Author: AD

Checker: MPQJ



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HIGH MALTON, NORTH YORKSHIRE
INDICATIVE LANDSCAPE APPROACH

Revisions | Title | Date

Landscapes Architects
Environmental Consultants

Detailed Design

High Malton, North Yorkshire
Indicative Landscape Approach - 2 of 2
Sections and Images

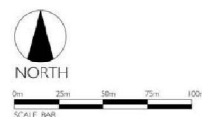
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Date	Checked
March 2015	ADP
Project Number	Drawing Number
W1894	MP02
Notes	

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LEGEND

- Site Boundary
- Proposed Native Structure, Shrub and Tree Planting
- Proposed Phasing
- Existing Vegetation
- Proposed Attenuation Ponds
- Proposed Tree Planting
- Proposed Wildflower Meadow



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Expertise to realise....



**HIGH MALTON, NORTH YORKSHIRE
PHASING PLAN**

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







ANDREW DAVIS ARCHITECTS
Landscape Architects & Environmental Consultants

Concept
High Malton, North Yorkshire
Phasing Plan

Scale 1:1,250 @ A1	Drawn By SJT
Date March 2015	Checked AD
Project Number W1894	Drawing Number PH-01
Revision C	Author Andrew Davis

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LEGEND

-  Site Boundary
-  Proposed Native Structure, Shrub and Tree Planting
-  Proposed Phasing
-  Existing Vegetation
-  Proposed Attenuation Ponds
-  Proposed Amenity Planting
-  Proposed Tree Planting
-  Proposed Wildflower Meadow

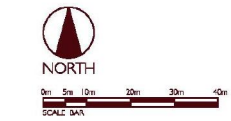
Plant Schedule and planting notes for Phase I are shown on Sheet 3 of 3



Insight to conceive
Expertise to realise....
Detailed Design

**HIGH MALTON, NORTH YORKSHIRE
PHASE I PLANTING**

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Revisions	Author	Area of Fixing	North of the	SP	Scale	Date

LANDSCAPE ARCHITECTS
Landscape Architects & Environmental Consultants

Detailed Design
High Malton, North Yorkshire
Phase I Planting -- 1 of 3

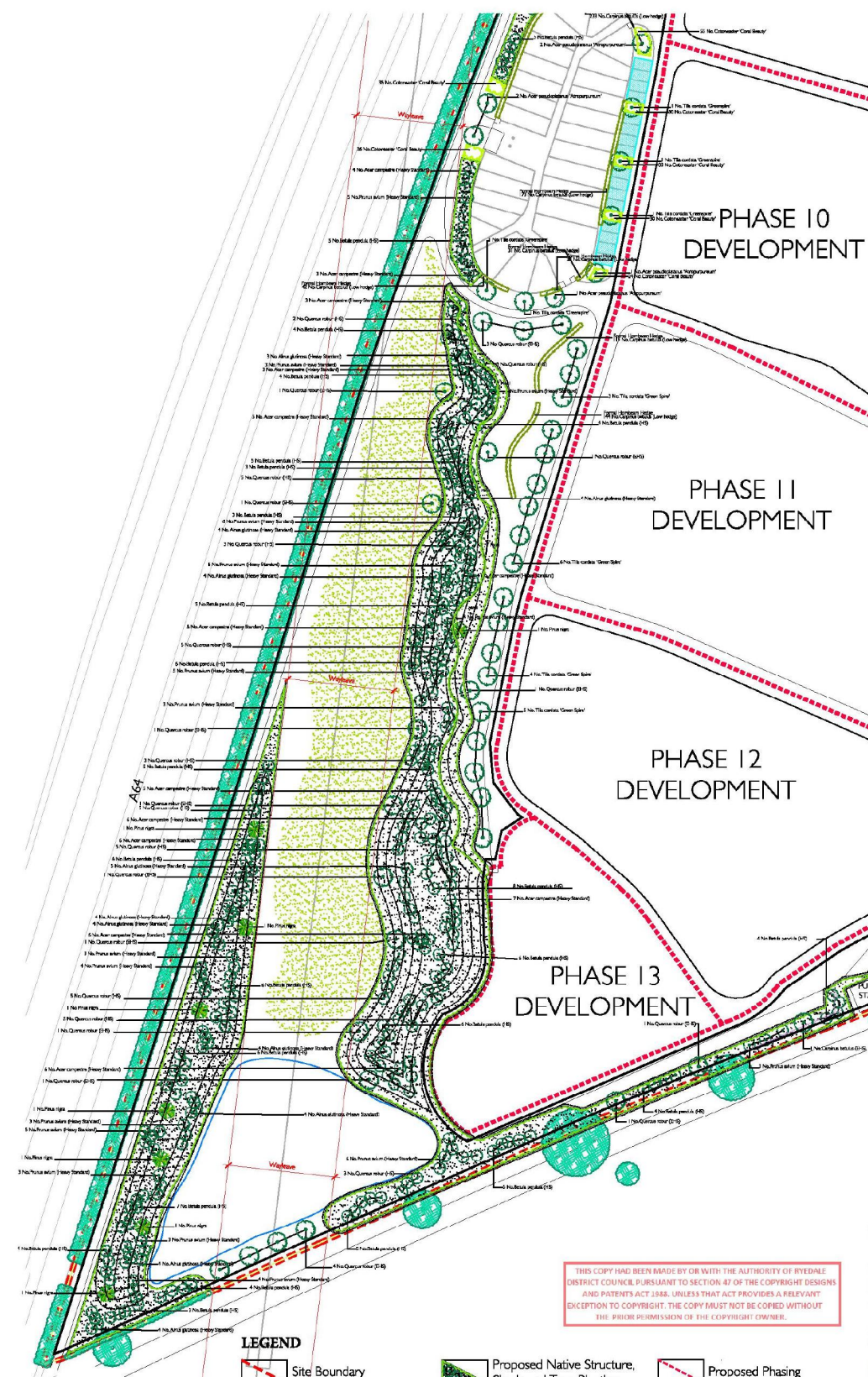
Scale: 1:500 @ A1
Drawn By: SJT

Date: March 2015
Checked: AD

Project Number: W1894
Drawing Number: MPO3

Revision: A

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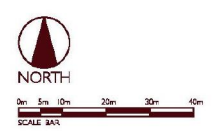


PHASE 10
DEVELOPMENT

PHASE 11
DEVELOPMENT

PHASE 12
DEVELOPMENT

PHASE 13
DEVELOPMENT



A	Additional Area of Planting in North of the	RP	162415
Revisions	Private	Client	

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- LEGEND**
- Site Boundary
 - Existing Vegetation
 - Proposed Tree Planting
 - Proposed Native Structure, Shrub and Tree Planting
 - Proposed Attenuation Ponds
 - Proposed Wildflower Meadow
 - Proposed Phasing
 - Proposed Amenity Planting

Insight to conceive
Expertise to realise...
Detailed Design

HIGH MALTON, NORTH YORKSHIRE PHASE I PLANTING

Plant Schedule and planting notes for Phase I are shown on Sheet 3 of 3

Landscap Architects
& Environmental Consultants

Detailed Design
High Malton, North Yorkshire
Phase I Planting ~ 2 of 3

Scale 1:500 @ A1
Drawn By: SJT
Date: March 2015
Checked: AD
Project Number: W1894
Drawing Number: MPO3

Revision: A

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HIGH MALTON

North Yorkshire's New Urbanist Community

APRIL 20TH 2015

LEON KRIER

WITH

JAN MACIAG

ARCHITECTS



FOR

THE FITZWILLIAM
MALTON ESTATE



Fig. 1: Artistic Render showing Typical Main Road in High Malton Proposal

REVISED DESIGN & ACCESS STATEMENT

REVISED DOCUMENT

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DESIGN STATEMENT

Fitzwilliam Estate believes in building community; interesting places where there is much to do and see. Places where a quick trip to buy a newspaper or pint of milk is a chance to meet neighbours and swap news. We believe in something different and offering people the opportunity to choose to use their cars less. We believe in the traditional art of town building. It is our vision that High Malton will become a place people will be proud of and people will want to move to.



Fig. 2: Artistic Render of High Malton Village Square

1 | ASSESSMENT

1.1 | RESIDENTIAL DEVELOPMENT DESIGN QUALITY



Fig. 3: Example of well-designed housing in Poundbury

"This government recognises that our homes need to be well designed, of the highest quality and environmentally sustainable... what we build is just as important as how many homes we build"

(HM Government (2011) Laying the Foundations: a housing strategy for England, HMSO – p. 55)

In response to rising concerns about housing design over recent years the Government has sought to encourage house builders and Local Planning Authorities to challenge the standardised approach to housing estate design. This reflects a growing understanding that there needs to be a move away from the restrictive design and engineering requirements of recent years and their focus on motor vehicles instead of people and place building. Policies in the NPPF, supported by the CABE Building for Life document and Manual for Streets set out this change in direction for housing and estate design.

Vehicle-centric Expansion:

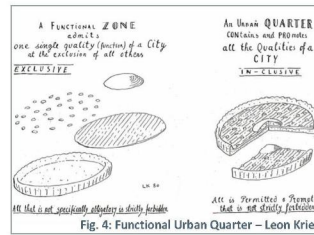


Fig. 4: Functional Urban Quarter – Leon Krier



Fig. 5: Peasey Hill, Malton



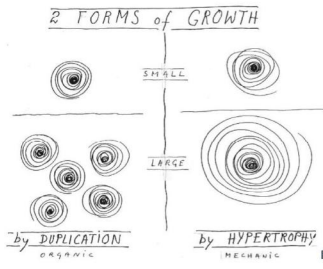
Fig. 6: Norton, North Yorkshire

This pattern of urban development is characterised by poor connectivity and low permeability. The layout is 'vehiclecentric' and usually based on single exits and entrances to urban blocs leading off from feeder roads. This effectively creates large cul-de-sac systems of disconnected blocks, each reliant on 'main roads' and junction technology. This design is based on car use to access amenities and places of work, effectively disenfranchising those without the ability to drive (the young and old), as well as reducing social interaction and cohesion – see Fig. 6: Norton.

1 | ASSESSMENT

For some years now, the government through a variety of channels (CABE, Ministerial speeches, policy changes, i.e. NPPF, NPPG and Manual for Streets) has expressed concerns about what is being built in terms of urban design quality (for example, street environments dominated by cars) whilst seeking to stimulate house building, increasing affordability and also fuelling economic recovery. There are, however, wider issues that should be considered; those relating to the lack of child and adult activity resulting in obesity and issues relating to the mental health impacts of suburban development that create feeling of social isolation.

1.2 | NEW URBANISM – WHAT IS IT & WHY IS IT DIFFERENT



Many towns and cities in the UK (like the US) have grown outwards in the form of low to medium scale suburbs. These developments are predominantly mono-functional (i.e. residential with no commercial facilities) and built at densities where it is often unviable to offer public transport and commercial uses, such as convenience stores, cafes and public houses – the types

Fig. 7

of facilities that create vibrancy, community and offer opportunities for human interaction.

Suburban development took hold as a form of development in the Victorian era when people of means choose to move away from the congested and smoke ridden cities to the greener, cleaner and more pleasant edges of towns and cities. This trend continued and has accelerated to the present day; made possible by the availability of cars and the relative affordability of fuel. Over time, it creates sprawl. This is expressed in Krier's diagram of 2 Forms of Growth above – Fig 7.

Local and subsequent political resistance to sprawl often ironically reinforces this sprawling trend as it is politically unpopular for those engaged in planning to suggest a more comprehensive or

long term plan for growth in towns. As a result, towns grow incrementally, spreading further and further out from the core – yet all focused back on a core that is too far to comfortably walk to. Essentially, this form of planning sees field parcels occasionally released for development, followed by another and over time, maybe another – though with no eye to the bigger picture. This 'denial settlement growth' is symptomatic of local resistance to development and is common across the country. As a consequence it is difficult to develop a commercial or built form rationale for providing the types of settlements that offer the facilities, services and infrastructure that can enable people to work or study within walking distance of their homes; or have access to what they need on a daily basis.

In the case of Malton, this incremental growth has resulted in congestion within the town as the homes on the edge of the town can be at least 15 minute walk to the nearest shop, café, pub or health facility. All homes are reliant on the traditional centre but the homes are too far away for people to walk to these quickly and with pleasure. A walk into town from the edge of the proposed development site on Castle Howard Road into Malton town centre is possible but visually unrewarding.

Whilst this trend of sprawl is not as extreme as it is in the USA, it has happened and continues to happen here. However it has negative consequences for our health and wellbeing. People use their cars more and they walk less. They have fewer opportunities to interact with people others while car usage, particularly for shorter journeys, reduces air quality and increases local congestion. Reducing local car usage can have a significant impact on the quality of life in a community.

1 | ASSESSMENT

New Urbanism therefore proposes an alternative model of growth although it cannot fix everything. It proposes a quantum of development that can attract and sustain commercial and community uses. No one can guarantee that people will not use their cars, but people will have a choice if they have services and facilities on the doorstep within a short walk.

This new way of town building is how settlements originally grew.

Before the advent of railways and motor vehicles growing a settlement indefinitely was not logical as people would not be able to reach where they needed to go on foot. Instead, once a settlement reached its optimum size, a new one was created. London, for instance, is an amalgamation of a number of villages. This form of development is expressed on the left-hand side of Krier's diagram (Fig 7).

You may ask why we should adopt this model of growth now we have access to motor vehicles. The answer is this. Our earth is struggling with the amount of carbon we produce. Obesity is regarded as a major public health issue – the NHS is reportedly facing bankruptcy partly due to the strain on its funds associated with people's growing waistlines. Political instability and the finite nature of fossil fuels means that we cannot assume fuel supplies will always be plentiful or relatively affordable. Finally, and perhaps most importantly, even if we can fuel our cars with rainwater, this will not solve issues related to congestion on our roads.

New Urbanism for Malton is therefore about thinking about growth differently and revisiting and applying the same principles that originally created Malton. It is about creating a more sustainable form of development where people use their cars less, walk more and are more engaged in civic – or street life. It is about creating happier and healthier places to live.

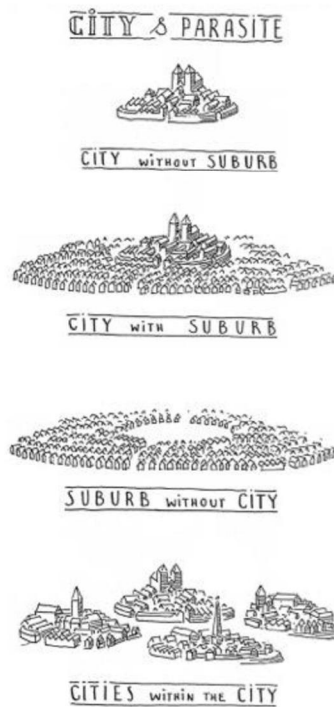


Fig. 8 – Leon Krier

Why are there not more New Urbanist developments if they are such a good form of development?

New Urbanism is still in its infancy in the UK but is growing in popularity in the USA as more people realise that continued suburban development creates more congestion, more time stuck in cars and more and more disposable income is spent on simply getting to places.

New Urbanism requires people to think differently and critically it requires a landowner that is willing to think differently, takes a significant interest in how their land will be developed and their reputation and legacy.

Towards a New Urbanism:

If Malton is to grow it is important not to continue the trend that it has so far been followed. The aim of the proposed development is the creation of another cell, or district, in the traditional historic manner. It would create not just another housing estate, but an identifiable part of the town ('High Malton' as a working title) that can satisfy its own daily needs, but will add variety and dynamism to Malton as a whole, without over-burdening its infrastructure.

The proposed development would follow a traditional form of urban planning: creating an interconnected and permeable street layout that makes efficient use of space within the settlement. The design aims to elevate the importance of pedestrians in the environment, and to better integrate vehicles into it - that is, not allowing them to simply dominate its design. This is an approach to urban planning that has been greatly successful in recent pioneering developments, most notably at the Poundbury development in Dorchester.

1 | ASSESSMENT

The Principles of New Urbanism

The principles of New Urbanism can be applied increasingly to projects at the full range of scales from a single building to an entire community.

1. Walkability

- Most things within a 10-minute walk of home and work
- Pedestrian friendly street design (buildings close to street; porches, windows & doors; tree-lined streets; on street parking; hidden parking lots; garages in rear lane; narrow, slow speed streets)
- Pedestrian streets free of cars in special cases

2. Connectivity

- Interconnected street grid network disperses traffic & eases walking
- A hierarchy of narrow streets, boulevards, and alleys
- High quality pedestrian network and public realm makes walking pleasurable

3. Mixed-Use & Diversity

- A mix of shops, offices, apartments, and homes on site. Mixed-use within neighbourhoods, within blocks, and within buildings
- Diversity of people - of ages, income levels, cultures, and races

4. Mixed Housing

- A range of types, sizes and prices in closer proximity

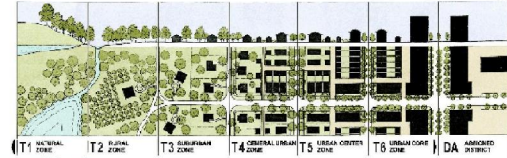
5. Quality Architecture & Urban Design

- Emphasis on beauty, aesthetics, human comfort, and creating a sense of place; Special placement of civic uses and sites within community. Human scale architecture & beautiful surroundings nourish the human spirit

6. Traditional Neighbourhood Structure

- Discernible centre and edge
- Public space at centre
- Importance of quality public realm; public open space designed as civic art
- Contains a range of uses and densities within 10-minute walk
- Transect planning: Highest densities at town centre; progressively less dense towards the edge. The transect is an analytical system that conceptualizes mutually reinforcing elements, creating a series of specific natural habitats and/or urban lifestyle settings. The

Transect integrates environmental methodology for habitat assessment with zoning methodology for community design. The professional boundary between the natural and man-made disappears, enabling environmentalists to assess the design of the human habitat and the urbanists to support the viability of nature. This urban-to-rural transect hierarchy has appropriate building and street types for each area along the continuum.



7. Increased Density

- More buildings, residences, shops, and services closer together for ease of walking, to enable a more efficient use of services and resources, and to create a more convenient, enjoyable place to live.
- New Urbanism design principles are applied at the full range of densities from small towns, to large cities

8. Smart Transportation

- A network of high-quality trains connecting cities, towns, and neighbourhoods together
- Pedestrian-friendly design that encourages a greater use of bicycles, rollerblades, scooters, and walking as daily transportation

9. Sustainability

- Minimal environmental impact of development and its operations
- Eco-friendly technologies, respect for ecology and value of natural systems
- Energy efficiency
- Less use of finite fuels
- More local production
- More walking, less driving

10. Quality of Life

Taken together these add up to a high quality of life well worth living, and create places that enrich, uplift, and inspire the human spirit.

(Information sourced from <http://www.newurbanism.org/>)

1 | ASSESSMENT

1.3 | POUNDBURY

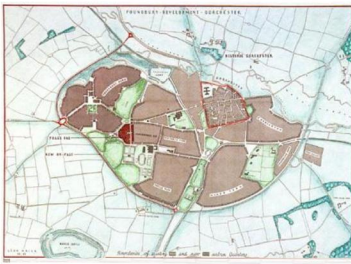


Fig. 9: Poundbury & Dorchester

Poundbury was the name of a farm on open land owned by the Duchy of Cornwall to the west of the Dorset County town of Dorchester (2011 pop. 20,000). It is immediately to the north of Maiden Castle, an iron-age hill fort and scheduled ancient monument.

A by-pass was constructed in 1988. Cutting past the town on the south it created a new natural boundary to the south and west of Dorchester (Fig. 9). The Duchy was preparing to sell the land as a conventional commercial development opportunity when Prince

Charles, the Duke of Cornwall, intervened to propose a radical and innovative new form of development. His interest in architecture and urban design had produced a TV programme and book, *A Vision of Britain* in 1989 and in the same year, Leon Krier, a leading designer and theorist of traditional urbanism, was invited to prepare a design for what would become Poundbury.

The proposed development was opposed by the Duchy administration as being too commercially risky and as a dramatic departure from established concepts of development. It was opposed by West Dorset District Council who feared such a large a suburb on the edge of a relatively small market town would overwhelm the road infrastructure and be a drain on Dorchester. The significant amount of commercial content proposed for in Poundbury caused worries about job loss in Dorchester. Finally, there was intense opposition from the Highways administration.



Accustomed to a conventional design of feeder roads and cul-de-sacs, the layout (especially the shared spaces and parking arrangements Fig. 10) was deemed to be dangerous to pedestrians.

The process of master-planning, persuasion and detailed design resulted in a start of building work in October 1993. The project is now more than half complete. It is home to 2500 people in 1250 houses. There are 1660 people employed within Poundbury in 140 individual businesses.



Fig. 10: Typical Block with Internal Parking

Once complete, Poundbury will occupy 400 acres of land (of which 150 will be reserved as open space) and be home to 5000 residents. By all accounts it has been a dramatic commercial success with properties selling at a premium over Dorchester. It has also been a pathfinder for popular sustainable development and has influenced government guidance on what is good housing and highways design.

It has been much criticised by the architectural and planning professions as pastiche and nostalgic but it is, in fact, exactly the opposite. It is boldly innovative in reconciling car use with a good public realm. Its layout and design encourage enjoyable and rewarding walking. Most importantly, and most unusually for a new 'housing estate', it is highly desirable as a place to live.



1 | ASSESSMENT



Witold Rybczynski writes, "Despite the picturesque street layout, Krier's approach is not simply scenographic: It embodies the theories of the 19th-century Viennese architect and planner, Camillo Sitte. Sitte believed that the old cities which people admired were not happy accidents but were in fact designed according to principles no less specific than in the other arts. In *Der Städtebaunach seinen künstlerischen Grundsätzen* (1889), translated into English as *The Art of Building Cities*, Sitte provided a detailed urban design analysis of streets and squares in old Italian and northern European cities. "Modern city planning completely reverses the proper relationship between built-up area and open space," Sitte wrote. "In former times the open spaces—streets and plazas—were designed to have an enclosed character for a definite effect. Today we normally begin by parcelling out building sites, and whatever is left over is turned into streets and plazas."



In Poundbury, the layout of the buildings predetermines the road pattern, not vice versa. Roads are merely a way of getting around, not an armature within which buildings must tightly fit, as is the case with most planned communities. The first time I heard Krier lecture, many years ago, he talked mainly about parking. Krier's point was that whereas the principles of sound urban design were all known long ago—and did not need to be reinvented—the great challenge for the

modern city planner was how to accommodate the automobile.

This is as true in Britain as elsewhere: More than 77 percent of households currently own at least one car, (RAC data) and the ownership rate continues to increase. Krier's solution is not to banish cars to the periphery, or to separate them from pedestrians. In Poundbury, automobiles are everywhere: The interiors of the blocks have parking courts with open-air stalls, car ports, and garages; there is parallel and head-in street parking, and some of the apartment buildings integrate on-grade protected parking. But it didn't feel as if the cars had taken over. For example, although several cars were parked in front of The Poet Laureate, the little square didn't resemble a parking lot. There were no white lines, no signage—people parked willy-nilly, where they



wanted. On Saturday night the square was full of cars, but on Monday morning it turned back into an empty plaza."

Witold Rybczynski, *Behind the Façade of Prince Charles's Poundbury*
Journal of the American Institute of Architects, December 2013



Fig. 11: Poundbury Phase 1 Complete

1 | ASSESSMENT

1.4 | GENERAL & DESIGN POLICY CONSIDERATIONS

National Planning Policy Framework (2012)

National planning policy is set out in the National Planning Policy Framework (NPPF) March 2012. The overarching objective of the NPPF is the delivery of sustainable development supported by the planning system with a presumption in favour of sustainable development. To achieve this new development should:

- Be located and designed to: give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones (Section 4)
- Deliver both market and affordable housing in a way which is reflective of local need (Section 6).
- Attach great importance to the design of the built environment. Good design should contribute positively to making places better for people (Section 7).
- Contribute to and enhance the natural and local environment by (Section 11).

National Planning Policy Guidance (2014)

The National Planning Practice Guidance that supports the NPPF sets out, in detail, the principles of good design.

For new residential development, the Guidance states that well-designed housing should be functional, attractive and sustainable. It also states the affordable housing should be indistinguishable from private housing and not banished to the least attractive part of individual sites. Furthermore, it describes how contextual consideration should be given to the provision of suitable servicing and parking areas.

In terms of access, guidance aspires to achieve inclusive environments, with the following identified as relevant considerations for new development:

- 1) Proximity and links to public transport.
- 2) Parking spaces and setting down points in proximity to entrances.
- 3) The positioning and visual contrast of street furniture and the design of approach routes to meet the needs of wheelchair users and people with visual impairments; and
- 4) Whether entrances to buildings are clearly identified, can be reached by a level or gently sloping approach and are well lit.

The National Planning Policy Framework requires a good standard of design to be achieved. Yet it is sometimes less clear to understand or define what constitutes ‘good design’ and how objective, rather than subjective assessments of the urban design qualities – or deficiencies of a proposed development can be reached. Objective assessments can help to determine whether a scheme complies with national and local design policies. Design quality indicators such as Building for Life 12 enable us to objectively review proposals identifying areas of strength and weakness.

Building for Life 12 is the only design quality indicator endorsed by government to measure the quality of residential led development.

Building for Life (BfL)

Building for Life (BfL) is the industry standard for well-designed homes and neighbourhoods endorsed by government. BfL is aligned to both National Planning Policy Framework and National Planning Practice Guidance. It is also being adopted and used by an increasing number of local authorities and developers to demonstrate or challenge urban design quality. The robustness of BfL is

By using Building for Life 12 as a tool throughout the design process, you can demonstrate compliance with the National Planning Policy Framework and Planning Practice Guidance

Building for Life 12	Links with National Planning Policy Framework (2012)	Links with Planning Practice Guidance (2014)*
Integrating planning and development		
1. Connections	5, 41, 61, 75	006, 008, 012, 015, 022
2. Facilities and services	38, 39, 70, 73	006, 014, 015, 017
3. Public transport	3, 13, 39	002, 014, 022
4. Meeting local housing requirements	9, 47, 50	014, 015, 017
Creating a place		
5. Character	17, 56, 58, 60, 64	006, 007, 015, 020, 023
6. Working with the site and its context	9, 10, 17, 21, 51, 53, 55, 59, 71b	002, 007, 012, 020, 023
7. Creating well defined streets and spaces	58	006, 012, 021, 023
8. Easy to find your way around	58	022
Street and Home		
9. Streets for all	35, 58, 60	006, 008, 012, 022, 042
10. Car parking	39, 58	010, 042
11. Public and private space	51, 58, 60	006, 007, 009, 010, 015, 016, 018
12. External storage and amenity	58	040

Generally: NPPF: 03, 05, 08, 63, 64
PPG: 001, 004, 005, 029, 031 – 038 (BfL12 is designed to be used to support consultation and community participation. It can also be used to guide masterplans, design codes, frame pre-application discussions and Design Reviews, structure Design and Access Statements, support local decision making and if necessary justify conditions relating to detailed aspects of design, such as materials).

*paragraph references within ‘Design’ guidance category.

1 | ASSESSMENT

demonstrated by its cross political support. First launched in 2001, BfL has been supported by both the previous Labour and current Coalition administrations. It has support from both Conservative and Labour ministers.

BfL consists of twelve questions, with four questions in each of the three sections and these relate well to the 10 principles of New Urbanism:

Integrating into the Neighbourhood	Related Principles of New Urbanism
1. Connections	2. Connectivity / 1. Walkability
	8. Smart Transportation
2. Facilities and Services	1. Walkability
	3. Mixed Use and Diversity
	6. Traditional Neighbourhood Structure
3. Public Transport	1. Walkability
	8. Smart Transportation
4. Meeting Local Housing Requirements	3. Mixed Use and Diversity
	4. Mixed Housing
Creating a Place	
5. Character	5. Architecture and Urban Design
6. Working with the Site and its Context	5. Architecture and Urban Design
	9. Sustainability
7. Creating Well-Defined Streets and Spaces	1. Walkability
	5. Architecture and Urban Design
8. Easy to Find your Way Around	6. Traditional Neighbourhood Structure
Street and Home	
9. Streets for All	1. Walkability
10. Car Parking	1. Walkability
11. Public and Private Spaces	5. Architecture and Urban Design
12. External Storage and Amenity Space	5. Architecture and Urban Design

Manual for Streets (MFS1 & MFS2)

Guidance for the design of residential roads is set out in the Departments for Transport/Communities and Local Government publication 'Manual for Streets' (MFS1) (published in 2007) and its companion guide 'Manual for Streets 2: Wider Application of the Principles' (MFS2) published in September 2010. The aims of the document are to bring about a transformation in the quality of streets and represent a fundamental culture change in the way streets are designed and adopted. MFS provides guidance in order that streets can be designed to:

- Help to build and strengthen the communities they serve;
- Meet the needs of all users, by embodying the principles of inclusive design;
- Form part of a well-connected network;
- Be attractive and have their own distinctive identity;
- Be cost-effective to construct and maintain; and
- Be safe.

Manual for Streets advocates inclusive design and its principles, which are to:

- Place people at the heart of the design process;
- Acknowledge diversity and difference;
- Offer choice where a single solution cannot accommodate all users;
- Provide for flexibility in use; and
- Provide buildings and environments that are convenient and enjoyable to use for everyone.

Local Planning Policy Context

The Ryedale District Local Plan 2002 has been replaced by the Local Plan Strategy (2013) and the accompanying Proposals Map will be replaced by the Local Plan Sites Document which is currently being drawn up.

1 | ASSESSMENT

- Policy SP11 supports proposals for the provision of new community facilities or services.
- Policy SP13 relates to landscape character stating specifically the development proposals should contribute to the protection and enhancement of distinctive elements of landscape character.
- Policy SP14 seeks to conserve restore and enhance biodiversity and environmental systems to enhance the attractiveness of places and to support healthy lifestyles.
- Policy SP16 details high standard of design requirements for new development. To reinforce local distinctiveness development should respect the context provided by its surroundings.
- Policy SP17 relates to sustainably managing air quality, land and water resources.
- Policy SP18 requires all development to play a key role in reducing carbon emissions and improving building sustainability.

1.4 | SITE & CONTEXTUAL ANALYSIS

Current Use

The majority of the proposed development site is currently used as arable agricultural land – Fig 12. There is also a veterinary clinic situated at the northeast corner of the site, which makes use of some of its adjoining paddocks for horses – Fig 13.



The eastern edge of the site is the existing suburb surrounding Castle Howard Drive. This suburb is currently the most western point of modern residential expansion from Malton.



The western limit of the proposed development is formed by the A64 bypass and its attendant deep cutting. This boundary is given still greater visual presence by the HT electricity pylons that bisect the south-west corner of the site – Fig 14. Combined, there is a practical and visual barrier to any further westward expansion.

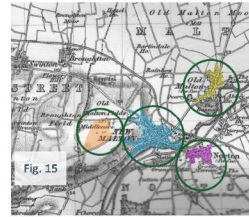
To the north and south, the proposed site borders Middlecave Road and Castle Howard Road respectively.



The topography of the site is that of an elevated plateau. It is (despite the amputation of the A64 by-pass cutting) the easternmost ‘toe’ of the Howardian Hills as they rise gently to the northwest and away from Malton. It is naturally well drained and at no risk of flooding.

Context

Malton is an amalgamation of three different settlements: Old Malton, New Malton, and Norton – Fig. 15.



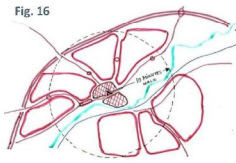
Historically, settlement growth has reproduced a traditional, ‘cellular’ growth expansion. In a low energy use world, settlement pattern focuses on local availability, walkability and connectivity.

Historically, settlement cells have rarely grown larger than 800m across – or about a 10 minute walk. In principle, residents could meet all their daily needs within their settlement cell – or district. This function can most clearly be seen in the single-cell structure of a healthy village (with a church, school, shop, pub, etc) but was equally applied to the larger and more complex patterns of town life. Larger towns would have been an aggregation of ‘villages’.

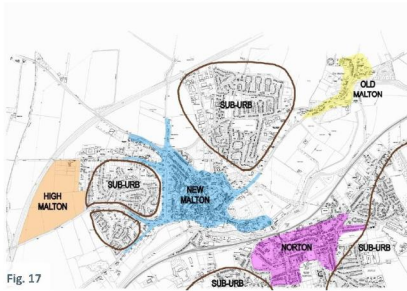
Good direct connectivity between different cells of a town can also allow for added variety and vibrancy within the town as a whole. Local self-sufficiency for the every-day facilitates the ability for certain cells to become more specialised. The town centre can thus be enhanced with a greater variety of shops and goods, or other districts can become specialized in certain goods (e.g. jewellery quarter).

1 | ASSESSMENT

Concept



The first step involved an exploration of the wider scale of Malton/Norton (against a 10minute walk from the centre – Fig. 16) and an analysis of sprawl pattern. The historic ‘cells’ are clearly visible but sprawl has been most extensive south away from Norton, between Old and New Malton and spreading west from Malton (Fig. 17).



The primary focus of the High Malton site was on the creation (over many decades) of a new urban cell – a community to the west of Malton but acting as part of the larger settlement of Malton-Norton. This new community would integrate all the existing and proposed development as a single self-sufficient entity of ‘West Malton’. Instead of sprawl, it would have four distinct quarters based around the East-West axis of Castle Howard Road – two existing in the east and two new developments to the west (Figs 18, 19 & 20).



Integrating these individual components will require a significant contribution of high quality urban space and community facilities (shops, schools, etc.) and the logical location places these along a shared new North/South Village Green stretching from Middlecave to York Road. This place of significance will be expressed in the architectural design and feature/orientation buildings.



Malton High school is already on the north end of the Village Green and the proposal for High Malton will seek to place the Village Square and other public buildings (such as a retirement home) along the same Green.

The Village Green will also contain the majority of the existing mature trees on the site and their retention will give the new development an instant enhanced character.

A site of a new Primary School is being made available on the Green south of Castle Howard Road as part of the long term story of the evolution of West Malton as a sustainable 4-quarter community.

It is hoped that, with time, the existing developments will develop better and finer internal East-West connections (Fig. 20).

Figures 16, 18, 19 and 20 concept sketches by Leon Krier.

1 | ASSESSMENT

Design

The proposed development incorporates the new North-South Green. The formation of public space requires good frontage buildings and the proposal involves the ‘completion’ of the existing suburban development to the east with a string of detached houses of similar form and scale.

The new Village Square is then located at the middle point of this part of the Green – the highest point on the site. The location is also next to a group of substantial trees (approx. 25m high) which will straddle the Green and form a functional and visual point of significance along it.

The west and south edge constraints of the A64, HT power lines and Castle Howard Road are to be softened with extensive planting and the remainder of the development was gridded out with 90m urban blocks as indicated on the initial plasticine model (Fig. 21).



The proposed development is designed to radiate as two principal routes; one facing north-west and the other south-west. They focus on the central tower of the Village Square but will catch the sun’s light in quite different ways to add to their particular individual characters. The traditional scale and form of the orientation tower (a modest church spire – 100ft) will aid in the overall legibility of the settlement (Fig. 22 & 23).

The main routes were carefully composed and based on traditional village streets of defined building lines, wide verges and shared central space. See illustrations of surrounding north Yorkshire villages below.



Sprawl, due to its internal branch like road systems, tends to meet its edges with the back of houses and the clutter of rear gardens facing the open countryside beyond (see photo right). A key concept of New Urbanism is the interface of town and country and the proposal for High Malton treats the countryside beyond with respect; main facades, front doors and its public realm, including the proposed new woodland strip.



Traditional urban structure tended to produce a variety of architecture, scale and roofscape. Important buildings tended to be taller or centrally located within spaces to differentiate them from the fabric buildings around them. Wider spaces in towns also require taller buildings to give them containment and proportion. The design proposal, based on that of a traditional village, is composed mostly of 2-storey village scaled buildings. The Village Square and Green are designed to be of a different character and to address a wider scale of space and context.

2 | INVOLVEMENT

2.1 | COMMUNITY & STAKEHOLDER INVOLVEMENT

A comprehensive engagement process has been undertaken including:

- The site was promoted through the SHLAAR process and was assessed to be suitable for residential development by the Council. It continues to be promoted through the Strategic Local Plan Sites and Allocation document process.
- Pre application meetings and discussions with Ryedale District Council;
- Meetings and discussions with statutory consultees;
- Public exhibitions;
- Stakeholder Events targeting the local MP, Ryedale Councillors, Town Councillors, local business representatives, nearby residents and Malton School;
- Press releases and briefings;
- Web site, including a filmed presentation of the proposed development; and
- Targeted meetings with resident groups and stakeholders.

Full details of the consultation process and comments received can be found in the Consultation Statement submitted with the planning application.

A range of materials were used to present and explain the proposed development, including a formal presentation by the Masterplanner for the scheme Leon Krier. Feedback at the events broadly positive in relation to the overall approach to the design, however, it was clear that a number of key issues were of concern to the community. These include:

- Highways and impact on the wider network as a result of the proposed;
- Noise and air quality impacts from construction and additional traffic;
- Impact on the AONB;
- Infrastructure capacity and the ability for the sewage works and other key infrastructure providers to cope; and
- Schools and healthcare and the impact of additional residents on key services.

Some of these issues had already been addressed through detailed pre-application discussions with statutory undertakers including the local water company. Others, such as highway impacts are being dealt with, both by the nature of the proposed development which encourages accessibility and reduced needs to utilise a motor vehicle, and through the planning application process whereby highway, noise and air quality impacts are being addressed through ongoing consultation with the Council.

Others have helped to inform the emerging design of the proposed with discussions ongoing regarding both a site for a new school and the possibility of providing additional doctor surgery support on site, subject to demand and funding.

With regards to the proposed design of the scheme and impact on the AONB, this is clearly a key issue and is in part being addressed through the additional landscape and visual assessment along with the structural landscaping required to mitigate the impact of the proposed. This includes the implementation of the structural landscaping at year 0 and careful phasing of the development. Beyond this, further detailed assessment can be carried out at the reserved matters application stage at which point the detailed design and materials proposed can move from indicative to detail through continued engagement with the Council and wider stakeholders. It remains the case that the high quality design of the proposed along with the significant green and landscape areas ensures that views from the AONB are mitigated.

Our confidence in the quality of the schemes design and its benefits is such that an independent review of the development has been commissioned by Stefan Kruczkowski.

3 | DESIGN

3.1 | BUILDING FOR LIFE ANALYSIS

This assessment of the proposed development at High Malton is based on the framework contained within the Building for Life 2012 (BfL12) document published jointly by three partners, CABE at the Design Council, Design for Homes and the Home Builders Federation. The purpose of the document is twofold.

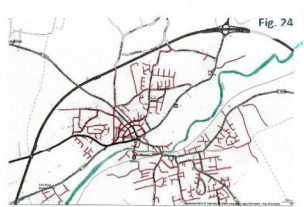
A. "...to reflect our vision of what new housing developments should be: attractive, functional and sustainable places. Redesigned in 2012, BfL12 is based on the new National Planning Policy Framework and the Government's commitment to build more homes, better homes and involve local communities in planning."

B. "BfL12 is also designed to help local planning authorities assess the quality of proposed and completed developments; and as a point of reference in the preparation of local design policies."

The assessment is divided into 12 topics and a given scheme can be marked on a traffic light grading of red, amber and green with green being the highest.

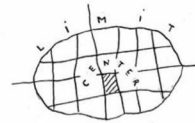
1. CONNECTIONS

- The proposed development has been considered as part of the overall pattern of growth within and around Malton (see Fig. 24). Figure 14 shows the cellular nature of this growth with the long standing settlements of Old Malton, Malton and Norton clustered on transport connections and junctions of road, river and rail.



- Figure 16 shows how post 1945 growth has moved away from the historical and sustainable pattern. The creation of the modern suburbs is

URBAN PATTERN



URBS
BOURG
LIEU
OAT
STADT
TOWN
CITY
CENTER OF THE WORLD

ANTIURBAN LABYRINTH



SUB-URB
FAU-BOURG
DAN-LIEU
VOR-ORT
TRABANTEN-STADT
TOWNSHIP
SATELLITE
THE ARSE OF THE WORLD Fig. 25

based on restricting connections for the benefit of car users at the expense of pedestrians, the old and the young. Low density, distance and the creation of 'branch effect' road systems (see Leon Krier figure 25) further discourages walking.

- Traditional cellular growth forms a matrix of main intercellular connecting routes augmented by a dense web of capillary routes and connections between. The layout of High Malton is based on a greatly enhanced and dense internal connectivity. Arranged on a hierarchy of external connections, internal 'structural' routes and a dense system of interconnecting minor routes for pedestrians and vehicles.
- The location of the proposed High Malton development seeks to return the town's growth pattern to the old sustainable form. Through its internal layout it seeks to enhance the western suburbs with a greater connectivity that will, with time, re-urbanise the suburban pattern immediately to the east.
- The proposed development has been generated from a consideration of local and town wide connections. It has its own character but works with its neighbours and will act as a sub-focus for Malton's western growth.

3 | DESIGN

- The development, based on traditional patterns of movement and connection, enhances the ability of surrounding residents to move through and to create a much more walkable neighbourhood.
- No existing routes are blocked and connections being created will be attractive, direct and safe.
- The proposed new routes and connections are directed through the heart of the new development and along frontages rather than through rear areas.

2. FACILITIES AND SERVICES

- The westward expansion of Malton has taken the form of suburban infill between Middlecave and Castle Howard Roads. The proximity of the town centre perhaps excuses the lack of substantial local shopping but the locations of Malton School on Middlecave Road and the nearby Community Hospital are substantial assets.
- The western parts of Malton need a local primary school and enhanced GP surgery facilities.
- The proposed development has as its principal aim that of the creation of another cell, or community... an identifiable part of the town... that can satisfy its own daily needs.
- The western expansion of Malton into High Malton would create both a sustainable new community and provide sufficient mass to create and sustain a small element of local shopping and a site for a new primary school on Castle Howard Road (a site is being made available). The numerous elements of 'employment use' could be used as medical facilities if funding became available.
- High Malton is designed as a walkable community with uses mixed through its fabric. Housing forms the main element but, close to hand will be the Village Square (pub, shop, village hall and civic space), employment opportunities and recreational facilities (play, relaxation and allotments).
- The Village Square, although located centrally within the development, will be set in the open wider context of the north-south village green. This allows for recognition and easy access from the new settlement and from existing adjoining areas off Middlecave and Castle Howard Road.
- The Village Square is to be designed as a distinctive vibrant place with a concentration of public uses. Integrated into the development at the head of major internal roads and alongside the

Village Green it will be of a distinct architectural scale and character. It will incorporate taller elements, visible from within the proposed development and acting as orientation landmarks.

3. PUBLIC TRANSPORT

- The proposed development is located between Middlecave Road and Castle Howard Road. Castle Howard Road has an existing bus route into Malton and beyond and the development presents a long frontage to accommodate the maximum number of homes near the route.
- The proposed development presents a 500m frontage to Castle Howard Road maximising the number of homes close to an existing bus route (182). This service connects the villages to the west of Malton with the town centre. It runs 4 times per day but it is likely that the increased passenger numbers generated by the High Malton development will cause this service to be improved.
- The internal layout of the proposed development has been designed to maximise walking permeability. This layout promotes pedestrian travel directly between destinations (Home to shop, bus stops, etc.).
- The development proposes the incorporation of several points of employment use distributed throughout the site but placed within the fabric. It is hoped to accommodate a variety of tasks from business start-ups, live/work units and functioning businesses.
- Taking into account the 90/10% split already agreed with RDC to disconnect Middlecave and Castle Howard Roads to private cars, it is nevertheless feasible (through rising bollards) to allow for an extended and more viable bus service to connect through.



Fig. 26: Indicative Elevation to Castle Howard Road

4. MEETING LOCAL HOUSING REQUIREMENTS

- The existing housing mix in Malton is generally dominated by 19th century construction with a preponderance of smaller properties. Immediate post war development has added a number of housing estates typical of that time, augmented by a few more recent housing developments.
- The Fitzwilliam (Malton) Estate is the owner and landlord to many of the older town centre homes. The Estate maintains and re-furbishes these buildings as an intrinsic part of its activities.
- The surrounding villages are very attractive and contain a variety, if modest quantity, of attractive homes. Continued occupation is car dependent and it seems likely that an aging population could be attracted to a similarly attractive but more convenient environment (with a shop, public facilities and good public transport) in High Malton.
- High Malton is planned as an entire community. A variety of housing types, sizes and tenure will encourage full inclusivity.
- High Malton will have a significant proportion of self-build (serviced plots) and custom homes to encourage entrepreneurship, self-reliance and affordability.
- It will have a centrally located retirement home, as well as smaller Lifetime Homes for the elderly and those downsizing to rebalance the wider housing market, reducing the need for conventional affordable homes.
- The majority of the houses (although of different types & sizes) will be delivered as market properties. The project will be constructed on a phased basis to match need to delivery over time.
- There will also be a significant element of affordable homes scattered (pepper potted) throughout the development. These properties will be visually indistinguishable from market housing.

5. CHARACTER

- High Malton aims to create a new named cell to the existing cluster of Malton /Norton.
- Like Norton and Old Malton, High Malton will have its own distinctive character based on an armature of landscaping and frontage buildings in emulation of the villages around Malton.
- The site is enclosed on the west by the A64 by pass (in a cutting) and on the east by the 'back' of the suburban development. It is level ground, there are few mature trees and the area in general lacks a distinctive character. The layout of High Malton puts these disadvantages to use insofar as it completes the adjoining suburb with a face along its eastern edge. This faces onto a long North-South green along which is the new High Malton Village Square. The western edge is treated as a frontage (akin to riverside, sea frontage, etc.) with facing houses, and a public realm that incorporates a deep screed on tree planting.
- Internally, the emulation of North Yorkshire village structure and aesthetics is continued with wide grass roadside verges, low frontage buildings with back lanes and approach roads defined by sweeping building lines. The architecture will adapt from the same pattern of traditionally plain but robust design and distinct details. Attention will be paid to building proportions and materials will be limited to local stone, brick, render and, generally, clay pantiles. The locally distinctive gable parapets with eaves brackets will be a regular feature.
- The development will, within the regular 'village' fabric, incorporate a distinctive 'town' appearance at the Village Square and along the western face of the north-south Green. This will enrich the experience of the new development, reinforce a variety of character and aid in internal navigation.

3 | DESIGN

6. WORKING WITH THE SITE AND ITS CONTEXT

- The site is on a flat spur of higher ground attached (except for the by-pass cutting) to the Howardian Hills to the west. The same spur continues east and is the foundation for the town of Malton as it rises from the river valley.
- It is the western edge of the Malton- Norton urban group with intermittent views north to the Moors and south to the Wolds.
- The site itself is generally flat with few features except for the fine veterinarian’s surgery building and a few mature trees – all to be retained. Negative aspects include the adjoining A64 by-pass and the crossing line of HT power lines and pylons.
- The north-south Village Green is a key component of the proposed design. It exploits the main grouping of mature trees to establish an early sense of place. The veterinarians building will be reused as a ‘gateway’ structure on Middlecave Road where it will enter High Malton. It also frames views to the south and forms a linking piece between the existing housing to the east and the new development on its western side.
- The Green allows the new development to be a considerate neighbour to the houses on the east by the creation of a similarly scaled chain of two storey ‘villas’ that reface and complete the existing development. These villas will form the eastern edge of the Green but will be constructed with access points to facilitate future permeability to the east and the unification of the two halves on the spine of the proposed Village Green.
- The existing agricultural use has denuded the hedgelines and scope for wildlife habitat. The proposed development will create, along with extensive tree planting in the Village Green, a deep band of woodland strip and wildlife hedging along Castle Howard Road and along the A64.

7. CREATING WELL DEFINED STREETS AND PLACES

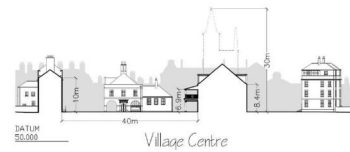
- High Malton has been designed from the outside in. It has been laid out as a figure (built areas) and ground (public realm) composition. There is no ‘left-over’ space.

- The effect is the creation of an intersecting web of well-defined streets and spaces in a strong pattern of varying character.
- The definition of simple 3-stage hierarchy of Village Green, Village Square and the two principal radiating spaces (NW & SW) forms the urban structure of High Malton. It will be held together by orientation structures along the Village Green. One would be located at the south end on Castle Howard Road, one in the Village Square (and providing a focus for the principal radiating spaces) and the last at the north end approach to Middlecave Road.
- Road carriageways are located throughout the public realm without defining it. The public spaces vary in width, they open and close in the distinct street walls typical of North Yorkshire villages and further afield. The areas between are a composition of equally irregular and swept roads (to naturally reduce speed) grass verges and paved areas.
- The variety and hierarchy of spaces within the proposed development is expressed architecturally and in keeping with a proportion of open space to enclosing buildings eaves heights.
- Village Green – 50m wide with 12.5m buildings on the west side (1:4) and 8m on the east side



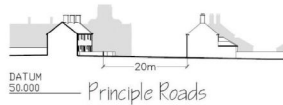
villas (1:6)

- Village Square – 40m wide with a variety of buildings from 10m (1:4) to 6.5m (1:6). Excluding orientation tower working on the length of the Village Green of 200m each way [1:6 minimum giving a height of 33m]

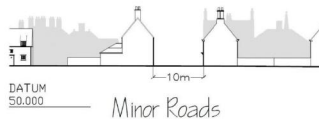


3 | DESIGN

- Principle roads [Typical] – 20m wide with enclosure buildings varying from 6.5m (1:3) to 13m (1:1.5).



- Minor Roads – 10m wide with enclosure buildings varying from 7m (1.4) to 10m (1:1).



- All houses facing the principal public spaces outlined above face onto the road; some directly and other with shallow gardens. This pattern is broken down and less formal in back lanes and parking courts where a more casual arrangement with an emphasis on natural surveillance predominates.
- The primacy of a direct relationship between the front doors of the houses and the public realm of street, square and Green is maintained by the provision of rear parking courts off internal lanes within each constituent urban block.

8. EASY TO FIND YOUR WAY AROUND

- The simple 3-part composition of Village Green, Village Square and two principal radiating spaces (NW & SW) forms the urban structure of High Malton. It is augmented with differentiation of character to ensure the easy acquisition of a good mental map of the new settlement.
- The human mind finds orientation through the recognition of untypical features. It is better still if those features themselves are asymmetrical or placed in irregular spaces as this gives an

instant orientation, even if approached from an unfamiliar direction. High Malton is set out, not from above, but from ground level. Mental patterns are built from a hierarchical variety of spaces, the placement of orienting landmarks, use of materials and proportional differences of spatial enclosure between different areas.

- The public realm is shared. The vehicle (or, more accurately, the vehicle's driver) shares the streets with pedestrians and a careful signage of materials and typical crossing points reminds all of potential danger and of the need for care. Cars are not excluded, because they are part of modern life and extremely useful, especially for the less able and those with young families, but they are forced to share.
- There are no cul-de-sacs.
- The permeability, mixed use and short walking distances to the Village Square (max 400m) will make walking more convenient than driving for internal trips
- The clear and logical hierarchy of spaces within the proposed development will be augmented by a varied approach to planting (shrubs & trees).

9. STREETS FOR ALL

- Conventional highway design is concerned with the speed and convenience of vehicles. It separates vehicles from all else – especially pedestrians. It encourages ease of vehicle use and prohibits excessive speed through maximum speed limits.
- The internal layout of High Malton concentrates on an internal street arrangement that discourages speed. Street lengths between junctions are short (max. 90m). Priority at junctions will generally not be designated and where roads are longer they will curve with wider and narrower sections. On-street parking and the setting of buildings closer together in 'pinch points' will be allowed to further reduce speeds and promote shared use.
- Streets will be as devoid of the usual paraphernalia of conventional highway design as possible to avoid a 'highway' character. There will generally be no roadside kerbs (replaced with shallow drainage ditches and granite set rumble strips) and paving will ensure a perceived priority for pedestrians and cyclists.

3 | DESIGN

- Front doors and maximum natural surveillance from living rooms onto the public realm of streets, squares and courtyards will encourage its use as part of the common living space rather than a route for cars and as a place of danger.
- Particular attention will be paid to the interface of the public and the private realms at front elevations and doors. These, traditionally, signalled spatial ownership and authority. They also provide great variety and interest for the pedestrian who is able to appreciate architectural detail at 4mph; a pleasure that is lost at 30mph.

10. CAR PARKING



Fig. 27

- Dedicated car parking provision will, reluctantly, not exceed maximum limits as imposed by the local authority.
- The proposed development will make it more convenient to engage in everyday activities within High Malton and beyond on foot or

by public transport without discouraging or preventing car ownership or use.

- The public realm in most modern housing developments exists only to facilitate car usage, which, inevitably dominates visually and in practice. High Malton will seek to provide a system of small parking courtyards off overlooked lanes (usually with houses in the lanes) within each block. Houses will have access to these courtyards, including garages, from the rear. There will be additional visitor parking on street and in designated parking areas.
- The majority of resident parking will be accommodated in rear courtyards (Fig 75). Some additional visitor parking will be available in designated areas and on street. Care will be taken to visually balance the effect of parking within the public realm with robust spatial and architectural / landscaping design.

- The Village Square will be a shared space available for parking and pedestrian use. This is an efficient use of space and will encourage social interaction, a vibrancy and commercial viability.

11. PUBLIC AND PRIVATE SPACES

- The proposed development has been designed around the principle that the space between buildings is as important as the spaces within. The public realm is the community's shared living space and care has been taken to establish a clear hierarchical distinction between areas (the Village Green, the Village Square, etc.) to allow for different uses and social interaction.
- Between the Green and the Village Square, the proposal calls for a typical Dutch Barn for public performance.
- At the same time, the public realm is highly connected and will function as a continuous space in the traditional manner.
- High Malton will have a great deal of open space. Play spaces for children, places to meet for teenagers, a pub and Village Hall as well as provision for allotments.
- However, it is often the 'unplanned' spaces that bring delight - a well-designed street under a canopy of trees or a small widening in the road, with a bench, facing south. The design will not pre-determine every activity and the community will be free to make their living space as they see fit.
- Clearly defined and architecturally coherent articulation of public and private spaces will be a key characteristic of High Malton.
- The civic realm will be 'owned' by the surrounding buildings and will be naturally overlooked from many directions. The model for much of the development is the typical village street of street wall, pavements and grass verges. This model exists throughout the UK and is very successful.

3 | DESIGN

12. EXTERNAL STORAGE AND AMENITY SPACE

- Excessive and badly planned parking can ruin a beautiful and elegant public realm (see Fig. 28 of bins in Letchworth). Clusters of refuse bins and badly placed utility connections can be just as bad. In addition, much of modern housing takes no account of storage needs that, ironically, have grown to overrun garage space, attics and front gardens.
- High Malton has been laid out with generous rear gardens at the expense of excessive front lawns and driveways. The benefit for the residents is that larger (or extended) garages, adjoining shed and other storage, can be accommodated to augment internal storage.
- Refuse collection and bin storage will take place from the rear lanes and parking courts. Houses will have storage space for their bins and designated collection places will be articulated to prevent random scattering.
- The system of overlooked rear lanes also offer residents independent access to their gardens without having to go through the house.
- Gardens, as well as being at least as large as the house footprint, are carefully arranged to be roughly rectangular in shape. The absence of cul-de-sac and other dead end turning schemes makes this an exercise in efficiency and functional logic.



3 | DESIGN

3.2 | USE

General:

The design proposes the phased construction of five-hundred high quality residential units consisting of houses and flats in a variety of sizes and types.

A key objective is to dramatically increase the choice of new housing in Malton to include modern, high quality, traditionally designed houses with the added value of forming a new accessible community.

Alongside the residential uses the proposal calls for the integration of compatible employment space (offices & workshops), a retirement home as well as vital civic components (Village Square) of a local shop, a pub and village hall.

The design includes extensive public and recreational space within and surrounding the development accessible equally for the new residents as for those of the neighbouring suburbs. There are allotment gardens planned for the residents.

Village Square and Green:



Fig. 29

At the heart of the proposed development will be the Village Square. Located geographically at the centre of the community, it will provide the residents with a communal space - creating a well-functioning shared urban place and the practical and aesthetic focus of the development – Fig. 29.

Adjacent to the Village Square will be the Village Green, characteristic of the ‘green’ heart of most traditional North Yorkshire villages, which runs down the length of the development, providing an informal extension to the Square. These two public spaces will form a centre of activity and recreation equally for the new residents as for those of the neighbouring suburbs (Fig. 30).



Fig. 30

3 | DESIGN

Important amenities - a local shop, a pub, and a village hall, are all located off the Square. There will also be an open-air venue adjoining the Square, enhancing the potential uses of the space and the Village Green for local events (fetes, concerts, markets etc.).

The Village Square is situated no more than a four-minute walk from any other place in the proposed development making it easily accessible for all residents without the necessity of private vehicle use.

Residential Uses:

The proposed design consists of 500 residential units.

Within the total number of units are 60 retirement flats in a purpose built complex adjoining the Village Square.



Other Uses:

There are several locations within and to the periphery of the development allocated for small businesses and start-ups (incubator units). These business spaces within the new community (as opposed to other zoned solutions – commercial parks etc.) contribute vibrancy and versatility to the urban environment. This adds to the conviction that this not just a suburban extension to Malton, but a balanced and self-sustaining community in its own right.

Green space is extensive within the development. Private gardens are to be generous, and there are ample open green areas and roadside grass verges throughout. These are not only attractive, but provide

The main residential unit will be a variety of flats, bungalows and terraced homes to detached and semi-detached houses. The overall intent is for the residential components to be mixed or in close proximity. The precise layouts and typological mix will be established during the phased development.

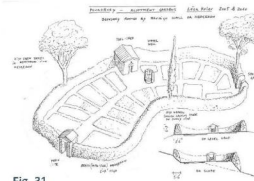


Fig. 31

nature of the proposed development.

communal areas for intergenerational contact, such as space for families and children to play safely within close proximity to home.

On the western edge of the development are two sites designated for allotment use (Fig 31). These add to the potential for residents to grow produce locally for themselves as well as adding another layer to the civic

3.3 | AMOUNT

The total size of the site is 21.8 Hectares. To maintain a high level of environmental comfort a 30m deep woodland boundary is proposed along the western side of the site. This will screen the development from the open fields beyond the A64 by-pass cutting. It will also screen the residents of the proposed development from the road and pylon route. This area of woodland is 3.6 Hectares. 18.2 Hectares has been therefore been designated suitable for residential development. With the 500 proposed units of accommodation to be built to an average building density of 28 units per hectare.

3.4 | LAYOUT

Orientation and Layout:

The housing development is divided into eleven cells of housing and employment use – Fig 32. Each cell is approximately 100 square metres in size, and tied to one another by small connecting roads, giving a very high level of permeability. Within each cell are inhabited lanes and small courtyards, providing space for garages, parking and communal areas. This



Fig. 32

3 | DESIGN

not only increases interaction within a community, but by moving the majority of parking from the front of properties (as is common in many housing developments) to the rear, contributes to creating a more attractive and safer environment, uncluttered by parked cars and driveways.

The principal area of development is placed centrally on the site with new woodland strips to the west and south. A long Village Green stretching from Middlecave Road in the north to Castle Howard Road in the south forms the eastern edge and gives the development an overall character and coherence.



Fig. 33

On the eastern edge of the site is the existing post-war suburb of Castle Howard Drive, which faces internally and away from all its surroundings - including the proposed 'High Malton' development. The chain of new villas that run down the eastern edge re-front this suburban pattern and are intended as an aesthetic transition to the proposed development. The main façades of these villas look onto the Village Green, creating 'High Malton's' primary area of communal open space – at the mid-point of which lies the Village Square's tower and other amenities (Fig. 30).



Fig. 34

The two major streets in 'High Malton' radiate diagonally south and west from the Village Square, but are focussed on an orientation tower

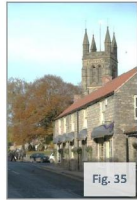


Fig. 35

that is situated on the north-east corner of the Village Square. These roads, together with the long distance views from the Village Green provide orientation and a sense of overall structure (Fig. 34 – see also Fig 35 showing church tower in Helmsley). A perimeter road also encompasses the development, completing the layout and structure of the settlement.

Design Features:

Houses generally face out from each residential cell onto roads or other public spaces (Fig. 36). The building line creates the fluctuation and rhythm typical of the surrounding villages and generates a continuous, safe and attractive public realm. This approach also presents an attractive front to those outside the development – displaying buildings frontages, instead of fences, sheds, and building rears. This layout also increases natural social surveillance, helping to prevent crime.

The route network is designed to benefit the pedestrian user. Roads are short, curved and of varying widths. Lanes are even shorter and have closed overlooked views. The settlement is designed to be interesting and visually eventful for the pedestrian while simultaneously accessible for considerate vehicular use.

A retirement home, located in the south-east corner of the development, acts as a gateway building to those arriving from Castle Howard Road. This building, as well as providing a distinctive landmark for 'High Malton', is also carefully positioned near the Village Square, allowing residents easy access to the facilities and improving their full integration into the wider community.



Fig. 36

3 | DESIGN

3.5 | SCALE

The proposed development is arranged for the comfort and orientation of residents and visitors; to be navigable in layout and building pattern – including scale. In a careful play of building scale in relation to the enclosure of space, the structures are able to define hierarchy and provide direction.

Much of the development will have the scale of a village. Two storey buildings predominate and their uniform height onto a variety of open spaces (roads, grass verges and lanes) will enhance the variety of urban pattern.

Buildings grow gradually in stature towards the wider spaces of the Village Square and Village Green, where buildings are mostly between three and four storey's high (Fig. 37).



The growth in scale towards the centre provides a sense of transition from the low key residential 'villages' to the centre, signifying the area of more 'importance' – scale aiding orientation.

As the development opens up to the open space of the eastern Village Green, taller buildings are also proportionally more appropriate to the containment of the open space between.

3.6 | LANDSCAPING

The raised site allows for intermittent views southwards to the Wolds and north to the Moors. However it is not itself visible or prominent from the immediate surrounding area.



The principal visual landscape features on the site are the tall HT power lines and pylons in the southwest corner and to the west over the by-pass. The impact of these will be reduced by the creation of the western woodland boundary. This will greatly improve views from the AONB and from within High Malton.

The existing landscape consists of several large fields separated by patchy hedgerows and intermittent clusters of trees. There is a reasonably continuous hedge along the top of the by-pass cutting and another along Castle Howard Road. There are mature trees around and to the front of the existing veterinary clinic off Middlecave Road as well as roadside trees on Castle Howard Road. The proposed development has been carefully arranged to avoid the loss of existing trees, although the west vehicular entrance onto Castle Howard Road requires the loss of an existing tree to maintain sightlines.

The proposed development at 'High Malton' includes the planting of a substantial number of indigenous broadleaf trees to create a woodland boundary along the western and southern edges. The Village Green, intended as a more open grass area, nevertheless retains several existing trees although new planting will, in time, augment the parkland character.

Within the proposed development are regularly placed grass verges (as per traditional village practice) and these are also made available for intermittent planting of trees.

3 | DESIGN

3.7 | APPEARANCE



The proposed development at 'High Malton' is planned according to traditional principles of good urban design learnt through the understanding and emulation of successful, beautiful towns and villages. However, good planning provides only a framework for the design of buildings to complete the intended effect. Traditional architecture, with its extraordinarily varied and proven repertoire of form and detail, is crucial to the maintenance of visual interest in a settlement to be experienced at walking speed.

'High Malton' is designed as a sustainable community. Its appearance will be timeless and its buildings will be robust and long lasting - not prone to costly changes of taste.

Beautiful old buildings demonstrate the perennial value and continuing modernity of traditional architecture. There is no reason to suppose that new traditional building will not resonate in the future in the same way.



Modern suburban sprawl is characterised by its relentless uniformity – everything is 'in keeping' with everything else. This 'tidiness' is crushing to the experience of place and should be avoided. 'High Malton' is designed as a community of all. It will also employ a typological and

architectural transect from rural, to village, to town in its feel and appearance. The development, and especially its spacial structure, will in this sense be 'tuned' - Fig 38.

The edges will, generally, present a face (façade) to the outside (rural) world. The villas along the eastern edge facade the suburb beyond to the new Village Green.

Within the development, the character will change from that of village to town in a west to east direction. The Village Square and its attendant Village Green are the most 'town-like' while the Village Green represents civilised nature – the natural world brought into the town as parkland.

The typological transect will dictate an appropriate architectural response. Simple village architecture where appropriate, and more refined buildings where that is suitable. The many forms of traditional and classical architecture have the range to unite the settlement into a cohesive (yet graduated) whole.

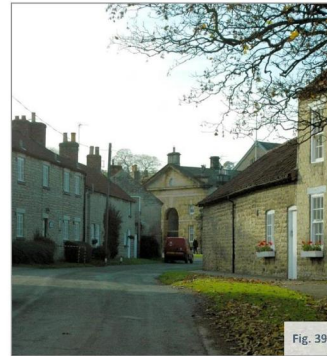


Fig. 39

There will be a preference for simple forms in load bearing masonry construction. There will be an equal preference for traditional materials indigenous to the area (clay pantile roofs, brick or stone walls in lime mortar, painted wooden windows) – Fig 39.

The development will be carried out in phases over an extended period and close control over detail and material use will be maintained to ensure the emergence of a consistently high quality settlement that will from the beginning have its distinctive character and authenticity.

A more detailed 'sample' of the proposal planting and landscape proposal has been prepared by Andrew Davis Partnership and is included in the application documents.

3 | DESIGN

3.8 | ACCESS

If a new settlement like that proposed at 'High Malton' is to be a true open community it must be accessible to its residents and visitors. Vehicle access to the site is at several points. Two are located at the western end of Middlecave Road (one next to the existing veterinary surgery, and the other immediately behind). The vehicle access from Castle Howard Road principally comes off the new roundabout being proposed at the south-east end of the site. A further vehicle access point will be available further west along Castle Howard Road.

Pedestrian access to the site is at the same points as vehicular access described above. In addition a further access point will be positioned at the north-west corner where the A64 bridge is currently located.

The proposed development at 'High Malton' is the antithesis of the modern suburb; which was created for the affluent, able bodied car owner to separate himself from his neighbours.

'High Malton' will seek to create a true community, open and accessible to all. An intricate system of overlooked lanes, paths, gates, and framed views increases the permeability by making pedestrian use more pleasurable and practical. On a 'day-to-day' basis it will be possible for residents to choose to not need a car – except, perhaps, for longer journeys. The settlement will have its own small-scale shopping and civic facilities. Schools are in close proximity but a ten-minute walk into the centre of Malton will permit this new part of Malton to support and easily participate in the wider existing settlement.

The ability and choice to function as a pedestrian will improve social cohesion, allow the participation of the young and the old, and improve health through daily 'unseen' exercise.

3.9 | INDEPENDENT DESIGN REVIEW

An independent review of the proposed, carried out by Stefan Kruczkowski demonstrates that the proposed already meets many of the design criteria set out in BfL with the potential for a top score to be achieved at RM stage.



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Report

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Planning Statement

Fitzwilliam Malton Estates

May 2014

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Report



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For and on behalf of GVA Grimley Ltd

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1. Introduction

- 1.1 This Planning Statement has been prepared and submitted by GVA on behalf of Fitzwilliam Malton Estate to support an outline application for a mixed use, residential led development for a maximum of 500 residential units (including Retirement Home), Employment (B1), Community (D1/D2) and Retail (A1/A3/A4) uses at land off Castle Howard Road, Malton.
- 1.2 The site is a Greenfield site, located adjacent to existing residential development on Castle Howard Road, within the A64 boundary at Malton.

The Content of the Planning Statement

- 1.3 This Planning Statement provides details of the proposed development. This includes details of the site and its context, the planning policy framework and the issues that are relevant to the consideration of the planning application.
- 1.4 Pre application advice has been sought and a copy of the written advice is at Appendix A.

Other Supporting Information

- 1.5 The planning application is accompanied by the following documents:
- Location Plan;
 - Indicative Masterplan;
 - Detailed Access Plans;
 - Planning Statement;
 - Consultation Statement;
 - Design and Access Statement;
 - Transport Assessment and Travel Plan;

- Phase 1 and 2 Contaminated Land Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Ecological Assessment;
- Archaeology Assessment;
- Arboricultural Assessment;
- Air Quality Management Assessment;
- Noise Report; and
- Landscape and Visual Impact Assessment.

2. Site Description and Context

Site Location and Context

- 2.1 The application site is located to the west of Malton. It is bounded to the north by Middlecave Road with Castle Howard Road to the south. The A64 runs along the western boundary.
- 2.2 The site is well linked to the existing urban area of Malton, with residential properties bounding the site to the east and Malton School located to the north, off Middlecave Road. The land to the south of the site is Greenfield, sloping down from Castle Howard Road to York Road and the Industrial Estates located here.
- 2.3 Beyond the A64 to the west of the site the character of the area changes from urban to rural with the Howardian Hills Area of Outstanding Natural Beauty (AONB) boundary running through the field immediately to the west of the A64.
- 2.4 Malton, together with Norton forms the largest settlement in the district of Ryedale. They are identified in the Ryedale Local Plan Strategy as the Principle Town with a joint population of over 12,000.
- 2.5 The towns occupy a strategic location between York (29 miles to the south) and Scarborough (39 miles to the north). Both are accessible by rail with the A64 providing a direct road link. The Local Plan Strategy highlights strengthening and developing links with the York economy as a strategic ambition, seeking to capitalise on York's successful economy.
- 2.6 The majority of post war housing growth occurred in Norton, focused along the Beverley, Scarborough and Langton Roads. This has resulted in the pattern of development moving away from the town centres, particularly Malton Town Centre which is the larger of the two. The Local Plan Strategy seeks to address this through placing greater focus on locating new development at Malton, with an immediate focus on the release of Greenfield sites around Malton.
- 2.7 The site is highly accessible, located approximately 1km from Malton Town Centre and just over a kilometre from the nearest foodstore (Morrisons, Castle Gate). Malton

School is located to the north, opposite the site on Middlecave Road and the nearest primary school is located within the recommended maximum 2km.

- 2.8 There are bus routes located along Maiden Greve, approximately 500m from the site and on Yorkersgate just 600m from the site. Malton Train Station is also located within walking distance being approximately 1.3km from the site.

Site Description

- 2.9 The site is largely agricultural land, comprising four fields under Agricultural Holdings (1986) Act tenancies. The tenancies allow for the land to be 'resumed' if the landlord gets consent for non-agricultural development. There is a veterinary surgery located in the north eastern corner of the site with the associated land surrounding split into around 9 smaller enclosures/paddocks plus an outdoor ménage used predominantly for horse grazing and other uses ancillary to the vet's surgery.
- 2.10 The application site is a Greenfield site extending 21.4ha. The Applicant is only proposing to develop approximately 18ha of the site for residential purposes (including greenpace), whilst the remainder (approx. 3.4ha) provides a substantial green buffer between the site and the A64.
- 2.11 The site slopes down towards the A64, with a low point located where the A64 and Castle Howard Road meet. However, it is broadly level with no significant changes in level.
- 2.12 Existing fields across the site are demarcated by a number of hedgerows, many of which have been closely cropped. There are a number of trees on site and in the surrounding area. The only trees subject to a TPO are located outside of the site along the edge of Castle Howard Road.
- 2.13 There is a public right of way along the western edge of the site, linking Middlecave Road and Castle Howard Road.
- 2.14 The EA's online Flood Risk Map shows the site to be located in Flood Zone 1 and so it is not considered to be at risk from flooding.

3. Proposed Development

- 3.1 The proposed development comprises up to 500 residential properties, including a circa 60 unit retirement home (C3), employment (B1), community (D1 & D2) and retail (A1 & A3/4) uses together with significant areas of open space and landscaping. Access is off Middlecave Road and Castle Howard Road.
- 3.2 The application is submitted in outline with all matters reserved except access. The scale of the development is such that delivery will be phased, therefore, extended outline consent is sought.
- 3.3 The developable area of the site has been identified based on a number of key characteristics of the site including;
- The retention and improvement of the existing footpath along the western boundary, along with noise constraints and the desire for a physical separation from the A64;
 - Drainage and potential use of attenuation basins at the lowest point of the site;
 - The delivery of a new choice of housing development, not currently available in Malton.
 - The creation of a new, identifiable part of Malton, with a strong sense of place.
 - The promotion of sustainable modes of transport and high levels of permeability across the site and into the wider area.
- 3.4 The extent of the proposed residential area therefore extends to 18ha, with the remaining 3.4ha providing formal and informal areas of open space and landscaping (including SUDS as part of the drainage strategy).
- 3.5 The proposals include two vehicular accesses to the site from Castle Howard Road to the south, with some limited access from Middlecave Road to the north. The site access has been informed by consultation with the Highways Authority and local residents. For the reasons set out at Section 5 and the Transport Assessment, the applicant considers that the proposed is the most appropriate approach to serve the site.

-
- 3.6 The density of the development, at 28 units per hectare, is considered to be appropriate in relation to the character of the site and the wider area. The proposed area of development equates to approximately 80% of the site.
- 3.7 As well as providing market housing, the scheme includes affordable housing equating to 35% of the total residential units proposed. The tenure mix of both market and affordable housing will be agreed at reserved matters stage, informed by up to date assessments of the demand for accommodation. However, in line with current policy, 5% of the site will be bungalows.
- 3.8 The inclusion of a 60 bed retirement home reflects the need for this type of accommodation in the district and supports the development of a diverse and inclusive community.
- 3.9 Parking for residents and visitors will be provided in line with North Yorkshire County Council's Standards as set out in Transport Issues and Development – A Guide (2003):
- 1 carparking space for 1-2 bedroom dwellings;
 - 2 carparking spaces for 3+ bedroom dwellings;
 - Designated visitor carparking – 1 carparking space per 5 dwellings.
- 3.10 In addition to the proposed dwellings, the development will provide new and extensive areas of publically accessible open space. This runs along the western boundary, providing a buffer with the A64, following along Castle Howard Road to the south and up through the site towards Middlecave Road. This in effect creates a circular route along which the site can be traversed by pedestrians and cyclists, maximising permeability and providing an interesting walk which can be linked to existing routes in the wider area.
- 3.11 The provision of open space will complement the development; providing a buffer with the A64, softening the impact of this Strategic Highway on the development and reflecting the rural and residential characteristics of the surrounding area, reducing the impact of the proposed on the adjacent AONB as well as providing areas of interest around the site. It is anticipated that specific conditions will be added to the permission that will secure the future management of the site, facilitated by a service charged levied on future residents. This is deemed by the applicant as the best way of ensuring

that the natural habitat on site will be managed to a high standard into the future, and also reduces the burden related to greenspace maintenance on the Council.

4. Planning Policy Context

- 4.1 This section of the appraisal identifies the planning policy context of the site and in particular those policies which have a direct bearing / influence over the proposed change of use.

National & Regional Policy Context

National Planning Policy Framework (2012)

- 4.2 National planning policy is set out in the National Planning Policy Framework (NPPF). From its publication in March 2012, the NPPF states that Local Planning Authorities (LPAs) will be given 12 months with which to revise Local Plans if necessary to reflect this guidance. During this time, due weight should be given to relevant policies adopted since 2004 even if there is limited conflict with the NPPF. In cases where Local Plans are dated pre-2004, and for all LPAs and following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.
- 4.3 The overarching objective of the NPPF is the delivery of sustainable development supported by the planning system and the Framework includes a presumption in favour of sustainable development. For decision-taking this means;
- approving development proposals that accord with the development plan without delay;
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
 - or specific policies in the NPPF indicate development should be restricted.

4.4 The NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- Making it easier for jobs to be created in cities, towns and villages;
- Moving from a net loss of bio-diversity to achieving net gains for nature;
- Replacing poor design with better design;
- Improving the conditions in which people live, work, travel and take leisure; and
- Widening the choice of high quality homes.

Promoting Sustainable Transport

4.5 Section 4 of the NPPF sets out that new development should be located and designed to: give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.

4.6 It also states that where practical, key facilities such as primary schools and local shops should be located within walking distance of most properties.

Delivering a Wide Choice of High Quality Homes

4.7 Section 6 of the NPPF sets out the Government's vision for the delivery of housing. It states that IPAs should deliver both market and affordable housing in a way which is reflective of local need, identifying a five year supply of deliverable housing sites as part of this. In order to ensure choice and competition, this supply is to include an additional 5% housing requirement buffer, or, for IPAs with a record of persistent housing under-delivery, an additional 20%. IPAs are also required to identify broad locations for housing for 6-10 years and, where possible, 11-15 years.

4.8 The NPPF goes on to state that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant statutory development plan policies for the supply of housing should not be considered

up to date if the local authority cannot demonstrate a five-year supply of deliverable housing sites.

Requiring Good Design

4.9 The NPPF attaches great importance to the design of the built environment and states that good design should contribute positively to making places better for people.

4.10 Section 7 sets out that planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

4.11 The guidance seeks to avoid overly prescriptive design, stating that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It goes on to say that it is, however, proper to seek to promote or reinforce local distinctiveness.

4.12 Beyond aesthetic considerations, the NPPF states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

4.13 It concludes that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Climate Change and Flood Risk

4.14 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Conserving and Enhancing the Natural Environment

4.15 Section 11 of the NPPF sets out that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services; and
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

4.16 The NPPF also states that when determining planning applications, LPAs should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;

-
- Opportunities to incorporate biodiversity in and around developments should be encouraged; and
 - Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

4.17 In terms of ground conditions, the NPPF states that decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

4.18 Paragraph 186 encourages local authorities to show a positive approach to sustainable growth and development, looking for solutions rather than problems and seeking to approve applications that meet the economic, physical and social needs of an area.

Planning Practice Guidance (PPG)

4.19 The Planning Practice Guidance which supports the NPPF sets out, in detail, the principles of good design.

4.20 For new residential development, the Guidance states that well-designed housing should be functional, attractive and sustainable. It also states the affordable housing should be indistinguishable from private housing and not banished to the least attractive part of individual sites. Furthermore, it describes how contextual consideration should be given to the provision of suitable servicing and parking areas.

4.21 In terms of access, guidance aspires to achieve inclusive environments, with the following identified as relevant considerations for new development:

- Proximity and links to public transport;
- Parking spaces and setting down points in proximity to entrances;
- The positioning and visual contrast of street furniture and the design of approach routes to meet the needs of wheelchair users and people with visual impairments; and

- Whether entrances to buildings are clearly identified, can be reached by a level or gently sloping approach and are well lit.

4.22 In line with the NPPF, the guidance makes clear that the pursuit of sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature. In addition, development is expected to protect and also enhance biodiversity, including the following;

- Habitat restoration, re-creation and expansion;
- Improved links between existing sites;
- Buffering of existing important sites;
- New biodiversity features within development; and
- Securing management for long term enhancement.

4.23 Ecological surveys are identified by the Guidance as being a useful tool for assessing the impact of new development on biodiversity. The Guidance further advises that these assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Local Planning Policy Context

4.24 The Ryedale District Local Plan 2002 has been replaced by the Local Plan Strategy (2013) and the accompanying Proposals Map will be replaced by the Local Plan Sites Document which is currently being drawn up.

4.25 The Ryedale District Local Plan 2002 proposals map and some site-specific policies are saved until the Local Plan Sites Document is adopted. However, due consideration must be given to their conformity with the NPPF (taking account of the Annex 1, Implementation, Para 215).

The Ryedale Plan – Local Plan Strategy (September 2013) (IPS)

4.26 The IPS sets a clear vision for Ryedale to 2027 to identify three key Aims for the future of the district. These provide a basis for the policies in the Plan. They are:

-
1. To create opportunities to retain and create jobs, skills and prosperity and to develop a diverse and resilient economy that supports an ability to live and work in Ryedale;
 2. To work toward rebalancing the age structure of the District, protect and enhance the safety and well-being of local communities, improve choices for local people and meet their needs for new homes, jobs, shops and services.
 3. To protect and enhance the environment, Ryedale's unique character and special qualities associated with its high quality landscapes, rich historic and cultural heritage and a wealth of biodiversity, utilising natural assets and resources for renewable/low carbon energy generation, minimising the risk of flooding and increasing resilience to climate change.
- 4.27 As a Principal Town, Policy SP1 focuses the majority of new development and growth in Malton and Norton.
- 4.28 The supporting text provides specific priorities for Malton Town Centre including:
- Opportunities for growth through releasing greenfield sites on the edges of Malton and Norton for low/medium density housing;
 - Higher density development in and to the Town Centres with lower density family housing in less central locations;
 - Creating sensitive new edges to the towns and repairing existing edges as the abut open countryside;
 - Retaining the compact and accessible traditional market town feel;
 - Ensuring development is sensitive and responsive to different character areas;
- 4.29 Policy SP2 provides guidance on the delivery and distribution of new housing with 50% located in Malton and Norton including housing allocations in and adjacent the built up area. The release of allocated sites will be managed in conjunction with other sources of supply to ensure the continuous delivery of a minimum of 200 dwellings per annum.

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- 4.30 Policy SP3 requires 35% affordable housing on sites of 5 or more houses in settlements outside West and South West Ryedale.
- 4.31 Policy SP4 deals with type and mix of housing stating that new development will provide increased choice and contribute to the provision of a balanced housing stock. Lifetime homes standards are sought and the provision of extra care facilities on large allocated sites. In addition, 5% of all new homes built on schemes of 50 dwellings or more shall be built as bungalows, providing this is viable in conjunction with other requirements.
- 4.32 Policy SP6 sets out how employment land will be delivered and distributed across the district. Land for employment uses will provide a portfolio of sites and premises offering a range and choice of accommodation in appropriate locations, including the provision of higher quality employment sites and premises which are able to provide accommodation for small businesses, supporting the high business formation rate in Ryedale. This will include incubator space, new managed workspace, small business units and live workspace.
- 4.33 Policy SP7 places town centres as the focus for retail, commercial, leisure, entertainment and cultural and tourism activities. A local impact floor space threshold is set at 500m² for comparison and 750m² for convenience retail. No local impact floor space threshold is set for other town centre uses.
- 4.34 Policy SP10 looks to secure the provision of new community facilities and physical infrastructure through planning obligations and tariff based contributions. Improvements to the highway network and connectivity, specifically walking and cycling routes, are sought. The policy also seeks to address quantitative deficiencies identified in Open Space.
- 4.35 Policy SP11 supports proposals for the provision of new community facilities or services. It requires all new residential development to contribute to the provision of open space, recreation and leisure facilities. All new residential development is expected to contribute to the provision of open space, recreation and leisure with schemes of 50 dwellings or more required including on-site provision of informal amenity space and formal children's play space.
- 4.36 Policy SP12 seeks to preserve and, where appropriate, enhance Ryedale's historic environment through the protection of its designated historic assets and their settings. It
-

states that, the potential of heritage assets to contribute towards the economy, tourism, education and community identity will be exploited including; the individual and distinctive character and appearance of Ryedale's Market Towns and villages.

4.37 Policy SP13 relates to landscape character stating specifically the development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:

- The distribution and form of settlements and buildings in their landscape setting;
- The character of individual settlements, including building styles and materials;

4.38 The natural beauty and special qualities of the Howardian Hills (AONB) will be conserved and enhanced and the impact of proposals on the AONB and its setting will be carefully considered. Proposals will be supported where they:

- Do not detract from the natural beauty and special qualities of these nationally protected landscapes or their setting;
- Seek to facilitate the delivery of the Howardian Hills AONB Management Plan objectives;
- Are considered appropriate for the economic, social and environmental well-being of the area or are desirable to support the understanding and enjoyment of the area.

4.39 Policy SP14 seeks to conserve restore and enhance biodiversity through a range of measures including:

- Minimising the fragmentation of habitats and maximising opportunities for the restoration and enhancement of habitats and improving connectivity between habitat through the management of development and by working in partnership with landowners and land managers;
- Maintaining, creating and improving ecological networks and green infrastructure routes to assist the resilience of habitats and species in the face of climate change;

-
- Supporting, in principle, development that aim to conserve or enhance biodiversity and geodiversity through the prevention of loss of habitat or species and the incorporation of beneficial biodiversity features;
 - Requiring a net gain in biodiversity to be provided as part of new development schemes;
 - Encouraging the use of native and locally characteristic species in landscaping schemes.

4.40 Policy SP15 seeks to create a network of green open spaces and natural features to support biodiversity and environmental systems to enhance the attractiveness of places and to support healthy lifestyles by providing opportunities for activity and relaxation. This includes:

- The protection and enhancement of Public Rights of Way (PROW) and where practicable securing multi-use access.
- Creation of new open space, sport and play spaces, allotments and outdoor sports sites in areas of deficiency;
- Improving connectivity by creating links between publically accessible open spaces and green spaces within built up areas to key destination points such as town centres and schools.

4.41 Policy SP16 details high standard of design requirements for new development. Development proposals are 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 useable by all, safe and easily navigated;
- Protect amenity and promote well-being;

4.42 To reinforce local distinctiveness development should respect the context provided by its surroundings including:

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- street patterns, routes, public spaces and the historic core of Malton;
 - the grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings;
 - views, vistas and skylines that are provided and framed by the proposed;
- 4.43 Policy SP16 also requires the efficient use of land stating new development should not be built below 30 dwellings per hectare, unless this can be justified in terms of the surrounding context.
- 4.44 Policy SP17 relates to managing air quality, land and water resources. Development should seek to;
- Prioritise the use of previously developed land and protecting the best and most versatile agricultural land from irreversible loss;
 - Requiring the use of sustainable drainage systems and techniques;
 - minimise water consumption,
 - assess impacts on water quality and identify mitigation to reduce risk of pollution,
 - encourage non car based transport,
 - reduce emissions from buildings through renewable energy provision and sustainable building standards.
- 4.45 Policy SP18 requires all development to play a key role in reducing carbon emissions and improving building sustainability through:
- demonstrating that all levels of the Energy Hierarchy have been considered, taking into account the nature, scale and location of the development
 - all new build residential development demonstrates the highest Code for Sustainable Homes standard and BREEM standard (or relevant successor) viable;
 - the Sites DPD will seek to set site specific targets for sustainable building standards and identify opportunities for sustainable technologies (CHP etc).

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- 4.46 Policy SP19 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF, working proactively with applicants to jointly find solutions which mean the proposal can be approved.
- 4.47 Policy SP20 relates to generic development management issues including character, design, amenity and safety and access and parking arrangements.

Other relevant guidance

The Howardian Hills AONB Management Plan 2014-2019

- 4.48 The Howardian Hills AONB Management Plan has been produced by the Howardian AONB Partnership and provides guidance as to the specific special qualities of the area:

“The Howardian Hills have a strong unity of visual character, not least because they are physically separated from the surrounding countryside, but also because there are a number of common characteristics which bind the landscape together. The strongest of these is the dominance of woodland, which seems to form a green web across the whole area. The open sweeping views from the ridge tops and the quiet intimacy of the enclosed valleys are experiences which constantly recur whilst travelling through the area. The sheer complexity of the land cover, with its rich patchwork of crops, pastures, woods, trees and hedgerows is another consistent quality across most of the area.”

- 4.49 The plan identifies a vision for the AONB to 2019 covering landscape, ecosystems, the historic and natural environment and living and working in the AONB. Whilst it does not provide specific advice in relation to development outside of the AONB, it sets the baseline for the area when assessing the impact on its setting.

Malton and Norton Neighbourhood Plan (Draft 2) March 2011

- 4.50 Malton and Norton Town Council produced and consulted on the 2nd Draft Malton and Norton Neighbourhood Plan (NP) in March 2011. However, as it was progressing in advance of the Ryedale Strategic Local Plan, and taking account of the requirement to be in general conformity with higher tier policies the NP was placed on hold pending

the adoption of the Ryedale Strategic Local Plan (2013). Accordingly the weight of the NP at this time is limited.

4.51 The NP sets a number of policy ambitions relating to infrastructure, housing, the economy and sports and recreation. Those relevant to this application are summarised below:

- **Highways** - Improvements to the highway network including encouraging a new junction with the A64 from Broughton Road, improvements to the A64 junction with York Road, a full one-way system in Malton Town Centre, a ban on HGVs in Castlegate and at the Level Crossing and a southern bypass with bridge as set out in the River Rail Corridor Study.
- **Schools** - To keep under review the requirement for more education provision as the population of Malton and Norton develops over the next 15 years.
- **Housing** - To achieve a balance between retaining the distinctive nature of Malton and Norton and stimulating the local economy and to consider the scale and rate of growth using the yardsticks of both encouraging prosperity, whilst retaining the amenities of a district centre.
- **Employment** - To nurture and encourage small or medium sized local businesses, provide access via the local ISP into the high speed broadband network, protect the surrounding landscape, architecture and amenities and ensure employment development is sympathetic to these aims and provide a range of sizes of plots and premises.

5. Planning Considerations

- 5.1 This section of the report assesses the proposed development against the preceding policy requirements to demonstrate that the scheme is appropriate and supports the objectives of the NPPF and adopted Local Plan Strategy.
- 5.2 The ability of the site to meet the Council's housing requirement, to be safely served by proposed access arrangements and to be designed so as to be sensitively incorporated into the existing landscape, provide the focus for this section of the statement. Other relevant considerations, which are examined in detail in accompanying technical reports are summarised here and sustainable design measures are referenced, as well as being discussed in the accompanying Design and Access Statement.

Principle of Development

- 5.3 There are a number of factors that support the principle of residential development on the application site. These are as follows:

Accordance with NPPF and Local Plan Strategy policies relating to housing delivery

- 5.4 The application site is located outside the development limits as defined in the Ryedale District Local Plan 2002 proposals map. The map and some site-specific policies are saved until the Local Plan Sites Document is adopted. However, due consideration must be given to their conformity with the NPPF (taking account of the Annex 1, Implementation, Para 215).
- 5.5 The NPPF emphasises the importance of maintaining an adequate supply of housing land on sites that are available and deliverable (para. 47). Housing applications should be considered in the context of the presumption in favour of sustainable development (para. 49).
- 5.6 The adopted Local Plan Strategy recognises the clear requirement for **additional** land allocations (beyond the development limits as defined) to provide **at least** 200 dwellings per annum across Ryedale (Policy SP2).

5.7 Policy SP2 details the approach to be taken with regards the distribution of housing land with Malton and Norton, as the Principle Town, accommodating 50%. Detailed policy guidance with regards to the pattern and distribution of site allocations in Malton and Norton is provided as follows:

- Sites within the current development limits;
- **Small-medium-large extension sites around the towns and within the A64 boundary at Malton;**
- Avoiding coalescence with Old Malton

5.8 Specific site allocations will be made in the Local Plan Sites Document in accordance with SP2. The Application site has been submitted for consideration as an allocation [Call for Sites Ref: 218, Shlaa Ref: 208], however, progress with this document remains in the early stages, as such paragraph 14 of the NPPF is relevant:

“where the development plan is absent, silent or policies are outdated, permission should be granted unless adverse impacts outweigh the benefits of the scheme”

5.9 Within this context, it is considered that the proposed scheme satisfies a recognised housing requirement within a higher tier settlement, complying with Policy SP2. In the absence of up-to-date site allocations to meet the Local Plan Strategy requirement, the NPPF confirms that permission should be granted, so long as the benefits of the scheme outweigh the adverse impacts. The supporting submissions provided with this planning application confirm this to be the case.

5 Year Housing Supply

5.10 In seeking to deliver a wider choice of high quality homes, the NPPF details that local planning authorities (IPA) should, amongst others:

- Identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic

prospect of achieving the planned supply and to ensure choice and competition in the market for land; and

- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing *should not be considered up-to-date if the IPA cannot demonstrate a five year supply of deliverable housing sites.*

5.11 The Ryedale IPS was adopted in 2013 following the Examination in Public (EIP) where it was recognised that Ryedale should be required to identify an additional 20% buffer of housing land supply. At this time it was also agreed that no allowance for windfalls would be deducted from the 5 year supply.

5.12 In assessing the current housing land supply position across Ryedale, it is clear that the Council are not able to demonstrate a 5 year supply of housing land. The most recent assessment of supply made by Ryedale, The Interim Housing Supply Position Update (13/11/2013), identifies a total supply of 1,167¹ which is less than the 1,200 required to meet the 5 year supply minimum target (allowing for the 20% buffer as required by the National Planning Policy Framework (NPPF) and EIP of the Ryedale Local Plan Strategy).

5.13 This figure includes 210 units from Land at West Field, Kirbymoorside. However, this application has been challenged, the outcome of which is uncertain, therefore this cannot be included as part of the 5 year supply. On this basis the supply figure as at 13/11/2013 is reduced to 978².

5.14 Since 13/11/2013 an additional 45 units, have been approved, the majority of which are single dwellings in rural locations or windfall sites.

5.15 This gives a current housing supply figure of **1,018**³.

5.16 This figure is based on sites with planning permission and no up to date information is provided regarding delivery. It is, therefore, unclear as to whether allowance has been made for sites projected to deliver beyond the 5 year period.

¹ 1,297 less 10% non-implementation.

² (1,297 – 210) less 10% non-implementation

³ (1,297-210) + 45 less 10% implementation

- 5.17 The 2013 Shlaa Update (December 2012) includes a projected delivery rate as per Table 5.1 below:

5.1 SHAA Projected Completions

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
Projected completions	225	221	178	149	149	Unknown

- 5.18 It should be noted that this trajectory includes 2013-2014 which is now complete and no longer forms part of the five year supply. As yet delivery figures are not available for this period. However, the information remains largely valid and demonstrates that housing delivery begins to fall short of the minimum target of 200 units in 2015. This position is unlikely to have changed significantly given the limited number of additional residential applications approved and lack of larger schemes in the overall supply.
- 5.19 As such Ryedale does not have a 5 year housing supply and the presumption in favour of sustainable development must be applied to all housing applications.
- 5.20 The proposed will contribute to meeting this shortfall and securing a rolling 5 year supply, with a start on site expected to be in 2015-16 and an annual delivery rate of approximately 40 units per annum from 2016-17 onwards (based on delivery rates for similar scale developments included in the Shlaa). Phasing of the development will be subject to a detailed phasing plan to be agreed with Ryedale District Council.

Affordable Housing

- 5.21 Policy SP3 of the Ryedale LPS requires 35% of new dwellings as affordable housing on-site as part of developments of 5 dwellings or 0.2 ha or more located in settlements outside West and South West Ryedale.
- 5.22 The proposed incorporates provision to meet this requirement and initial discussions with local Registered Social Landlords (RSLs) have been positive. The affordable units will be

pepperpotted throughout the development and built to the same high quality as the market units.

- 5.23 The size, type and tenure of the affordable units is to be agreed with Ryedale District Council, but will be based on the existing need at the time of submission of the relevant reserved matters application, reflecting the phased delivery of the site.

Accordance with NPPF and Local Plan Strategy policies relating to economic development and access to community facilities

- 5.24 The proposed development includes an element of employment, retail and community facilities, including open space. The detailed design and scale of the employment and retail units will be agreed at the Reserved Matters stage, however it is appropriate to set some maximum thresholds for the purposes of assessing the application. These are:

- B1/B1c Use Class not more than 2,000m²
- A1/A3/A4 Use Class not more than 1,000m²
- D1/D2 Use Class not more than 850m²

- 5.25 These are maximum thresholds, and it is not proposed that the overall floorspace of town centre uses (as defined in the NPPF⁴) will exceed 2,500m². Nor is it proposed that any convenience shopping on the site would exceed the local threshold of 750m². No comparison goods retail is proposed as part of this application. As such there is no requirement for an impact assessment as per the NPPF or IPS Policy SP7.

- 5.26 The inclusion of these uses is to support the delivery of a sustainable extension to Malton through:

- providing a sense of place and orientation including the addition of a village square;

⁴ Paragraph 26 of the NPPF requires retail impact assessments when assessing applications of more than 2,500m² for retail, leisure and office development (this excludes entertainment uses i.e. A3/4)

- supporting the existing high business formation rate in Ryedale by increasing the choice of accommodation available;
- promoting walking and other sustainable modes of transport;
- providing a range of community facilities including a small shop and potential bar/coffee shop;
- providing extensive greenspaces for a range of leisure uses including; allotments, walking and cycling and children's play space.

5.27 The comprehensive approach taken by the masterplanners, identifying the benefits of including these uses as part of the residential led development is consistent with the aims and objectives of the NPPF and LPS and particularly with policies SP6, SP11 and SP15.

Transport and Access

5.28 The NPPF stresses the importance of access to sustainable modes of transport as part of the 12 core planning principles which underpin both plan making and decision taking, stating that planning should:

“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 sustainable”.

5.29 The approach taken in the Local Plan Strategy, focusing development in the Principle Towns of Malton and Norton, the largest service centre with good access to a range of sustainable modes of transport, is consistent with this requirement.

5.30 The Malton and Norton Strategic Transport Assessment (June 2010) and its Addendum (October 2010) have assessed a number of scenarios for the future development of Malton and Norton to evaluate the traffic impacts. This study was commissioned by Ryedale District Council to inform the on-going sites allocations work. The outcome of this study was to recommend 4 potential options for the future development of Malton and Norton: Scenario 2, 3, 4A and 6.

-
- 5.31 The development site features in both scenarios 2 and 4a supporting its development for residential. The delivery of Scenario 6, which requires a new link road at a cost circa £25.6m for which there is no public funding, is in doubt. Scenario 3 relies on a number of smaller sites, many located in areas at risk of flooding, which are less likely to deliver affordable housing, community facilities and other forms of infrastructure required to achieve the sustainable objectives of the Ryedale IPS. As such, and taking account of Policy SP2, the site is in conformity with the IPS and the emerging Local Plan Sites Document.
- 5.32 The planning application is accompanied by a Transport Assessment (TA) which provides full details of the traffic impact of the proposed and safe access and egress. A Framework Travel Plan is also provided supporting the sustainability of the site. A brief overview of the approach is provided below.

Access

- 5.33 The site will be accessed via Castle Howard Road and Middlecave Road. Initial discussions with the Highways Authority (North Yorkshire County Council, NYCC) highlighted a potential capacity issue on Middlecave Road, an issue also raised by residents at the community consultation events. The TA modelling revealed that 25% of the development traffic could be accessed via Middlecave Road without materially impacting on Middlecave Road or associated junctions. However, taking account of residents' concerns and the presence of Malton School, the applicant has elected to restrict access to 10%.
- 5.34 The remaining 90% of the sites traffic (as developed) will access via a t-junction and elongated roundabout on Castle Howard Road. The existing Castle Howard Road / York Road junction will be signalised to accommodate this additional traffic safely and within capacity. This approach is in accordance with the modelling work completed in the Malton and Norton Strategic Transport Assessment and discussions with NYCC.
- 5.35 A key aim of the design, however, was that the site remains permeable and as such, although vehicular traffic between Middlecave Road and Castle Howard Road is restricted the masterplan includes a number of access points and through routes. It is proposed that vehicular access is controlled via a system of bollards, allowing other modes of transport free access through the site. This will both ensure the design vision remains intact and encourage sustainable modes of transport.

Sustainable Transport

5.36 The site is already highly accessible being:

- 500m from the nearest bus stop on Maiden Greve with a second route accessible 600m away on Yorkersate. Access to Malton, Leeds, Whitby, Pickering, Scarborough and Bidlington is achievable on these routes.
- Approximately 1300m from Malton Railway Station with hourly services to Leeds, Liverpool, York and Scarborough.
- 800m from the centre of Malton with a range of local services.
- Approximately 1100m from the nearest food retail (Morrisons) located on Castle Gate.
- 50m from Malton Secondary School, located directly opposite on Middlecave Road.

5.37 In addition there is a network of local footpaths running from the site into the Howardian Hills, encouraging access of this key area for leisure and health benefits.

5.38 The design of the proposed aims to promote sustainable modes of transport by elevating the importance of pedestrians through creating an interconnected and permeable street layout. Vehicular traffic is not excluded nor does the design claim to eradicate this. Rather the approach is to better integrate vehicles, not allowing them to dominate. This is covered in more detail in the Design and Access Statement accompanying the application.

5.39 The Framework Travel Plan bolsters this by setting targets for the promotion of sustainable modes of transport and reductions in the use of the private motor vehicle.

Design

5.40 The proposed application is for outline planning permission with all matters reserved except access. As such design is a detailed matter for consideration at a later stage, once the principle of the development has been agreed. However, an indicative masterplan has been produced for the site, to articulate the design ethos of the proposed to aid consultation and the decision making process.

5.41 A Design and Access Statement is also provided with the application, setting out the detailed design approach taken by the Applicant and their Architects.

5.42 In summary the design aims to:

- Deliver a new choice of housing development, not currently available in Malton.
- Create a new, identifiable part of Malton, with a strong sense of place.
- Promote sustainable modes of transport by elevating the importance of pedestrians through creating an interconnected and permeable street layout.
- Retain and improve the existing footpath along the western boundary, increasing accessibility across the site and encouraging movement/ links with the wider area;
- Ensure physical separation from the A64;
- Allow the use of SUDS including attenuation basins at the lowest point of the site.

5.43 This approach is in accordance with the NPPF and Ryedales LPS Policy SP16

Landscape and Visual Impact

5.44 An additional key consideration of the proposed development is the impact on the nearby Howardian Hills AONB. In order to fully understand the potential impact a Landscape and Visual Impact Assessment was commissioned by the Applicant and is submitted as a supporting document with this application.

5.45 Completed by Lathams, in consultation with Ryedale District Council and English Heritage, the assessment independently reviews the proposed, utilising the indicative masterplan, assessing the potential impact on key views both from within the AONB and other sensitive receptors, including Listed Buildings and Conservation Areas.

5.46 The LVIA concludes that although the new development will be visible the sensitivity of the viewpoints identified is medium to low and overall the impact will be minor adverse without mitigation.

5.47 The LVIA also assesses the proposed development impact on national and local policy, concluding it is in compliance with the guidance therein.

Environmental Considerations

5.48 The application site is greenfield land largely in agricultural use. As such it has been necessary to complete a number of assessments to establish the baseline position of the site with regards to environmental considerations and to identify the impact of the proposed development. The detailed assessments, their findings and recommendations are provided as supporting documents with this application. The main headline findings are summarised below for ease of reference:

- **Ecology** – a Desk Study and Extended Phase 1 Ecological Appraisal has been completed. This has since been updated to include the veterinary surgery and surrounding land to the north east of the site. The survey results demonstrate that overall the ecological value of the site is limited, consistent with the agricultural use. A number of trees and hedges within the site provide habitat and foraging potential and are recommended for retention where possible or replacement through the detailed landscaping design. The survey results and recommendations have been incorporated into the initial design process and will be used to inform the detailed design of the scheme. This can be secured through the use of appropriate planning conditions.
- **Ground Conditions** – a Phase 1 and Phase 2 Geotechnical Survey has been completed. This found no confirmed sources of contamination on the site. Percolation testing has also been completed as part of this process and the site has been found to be suitable for soakaways as part of a wider drainage strategy.
- **Flood Risk / Drainage** – the site is in Flood Zone 1, being of low probability of flooding. A Flood Risk Assessment (FRA) and Drainage Strategy have been provided in accordance with the NPPF as the site is over 1ha. The Drainage Strategy utilises a range of SUDS features across the site including, soakaways, attenuation bases, swales, permeable paving and block work (where appropriate) and rain gardens. Foul drainage is discharged into the foul water sewers with shortfalls in capacity compensated through restriction of the pumped flows and the installation of storage balancing. The FRA makes a number of recommendations to allow for possible flooding from extreme storms of blocked sewers, all of which can be controlled by condition, but concludes the proposed development can satisfy the requirements of the NPPF in relation to Flood Risk.

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- **Noise** – a noise assessment has been carried out to support the application. The assessment establishes the baseline noise environment to determine ambient and background noise levels at existing Noise Sensitive Receptors. A digital model has then been prepared to determine future noise levels and potential changes in road traffic noise as a result of the proposed development. Changes in road traffic noise on the local road network, as a result of the development, are predicted to be minor or negligible. However, a number of recommendations are made to mitigate against the impact of existing noise from the A64 and potential noise from the proposed employment uses on the proposed new dwellings. These can all be secured through appropriately worded conditions.
 - **Air Quality** - Whilst the application site is not located in any designated Air Quality Management Areas (nearest is Yorkersgate, Malton), a detailed technical assessment has been undertaken to predict the effect of the development on air quality at a number of sensitive receptors in the locality. The assessment identifies on a very much 'worst case' scenario some potentially high impacts, relating to dust soiling during the construction phase, and only negligible impacts during the operation phase.

A comprehensive package of mitigation measures is proposed during the construction phase and it is considered that the mitigation measures will reduce the air quality impacts arising from the proposed development. No mitigation measures are proposed during the operational phase as the development has not been found to have any significant impacts.

- **Trees** – an Arboricultural and Landscape Report has been produced in accordance with British Standard 5847:2012 "Trees in Relation to Design, Demolition and Construction". The report identifies trees and hedges worthy of retention and this has been incorporated into the design process to date. Detailed plans for the landscaping of the site and protection of key trees and hedges will be provided at reserved matters stage, taking account of the recommendations of this report and any further survey work required.
- **Archaeology** – an Archaeological Evaluation by Tail Trenching was carried out on the site in December 2013. This was identified as necessary as a result of previous finds on the site and in the locality suggesting a Roman Road crosses the site. However, the study concluded that deep ploughing associated with the

agricultural use of the site has adversely affected / removed this trackway / road.
No further archaeological work is recommended.

- 5.49 Therefore, on the basis of the above, it is concluded that the application proposals are entirely appropriate and that there is no technical/ environmental issues (in relation to the provisions of the NPPF) which would preclude a gainst positive determination.

6. Summary and Conclusions

- 6.1 Fitzwilliam Malton Estate has applied for extended outline planning permission for a residential led mixed use development comprising: 500 residential properties (including a retirement home) (C3), employment (B1), community (D1 & D2) and retail (A1 & A3/4) uses together with significant areas of open space and landscaping. Access is off Middlecave Road and Castle Howard Road.
- 6.2 The site is a Greenfield site, located adjacent to existing residential development on Castle Howard Road, within the A64 boundary at Malton. A detailed appraisal of the principle of development proposed is provided within the statement.
- 6.3 In headline terms, this statement demonstrates that outline planning permission for the mixed-use development of the application site should be granted on the following overarching basis:
- **DEVELOPMENT RESTRICTIONS;** the technical assessments submitted with the application identify no specific restrictions which would preclude the proposed mixed-use development on the site. A range of mitigation measures are proposed which can be formalised via appropriate pre-development planning conditions and / or legal obligation.
 - **PLANNING POLICY FRAMEWORK;** it has been demonstrated that significant weight should be given to the NPPF and Ryedale's Local Plan Strategy (IPS) in assessing the application proposals.
 - The proposed complies with Policy SP2 of the adopted IPS being a large extension site around Malton and Norton and within the A64 boundary. The proposed will increase the choice of housing through the delivery of a high quality product not currently available, supporting increased opportunity for home ownership and creating a sustainable, inclusive and mixed community in accordance with the NPPF.
 - **RESIDENTIAL JUSTIFICATION;** the Council cannot demonstrate a clear five year supply of housing land. The provision of up to 500 new homes (potential mix of dwellings types and tenures) on a highly suitable and sustainable location for

residential development will therefore assist the Council in addressing its current identified shortfall in provision; this should be afforded significant weight.

- **PLANNING OBLIGATIONS AFFORDABLE HOUSING;** the proposed development will provide 35% affordable housing in accordance with policy requirements.
- **SUSTAINABILITY;** the site well located, adjacent to the Principle Towns of Malton and Norton with good access to local services and sustainable modes of transport. Further sustainability measure can also be secured through detailed design.
- **DESIGN;** the submitted illustrative site master plan demonstrates that the application site can accommodate the proposed quantum of development and that ultimately, at the reserved matters stage, a high quality design can be achieved. Appropriate off-sets (non-developable areas) and mitigation (e.g. structural planting) will ensure the retention and enhancement of ecological and environmental features of value within the site.

6.4 On the basis of the above, it is clear that the benefits arising from the scheme demonstrably outweigh any limited moderate impacts that would arise (e.g. the loss of agricultural land). The central thread of the NPPF is a presumption in favour of sustainable development and as this is carried through to the IPS (SP19) it carries significant weight in the overall planning assessment of the application.

6.5 The proposals comply with Policy SP2 relating to the location of new housing development and clearly constitute sustainable development. They respond positively to NPPF and IPS objectives of boosting the delivery of new homes and facilitating economic development, focused on the Principle Towns of Malton and Norton. The proposals are judged to be entirely consistent with the NPPF and IPS and the grant of outline planning permission is therefore appropriate.

APPENDIX A



Forward Planning
Ryedale District Council
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North Yorkshire
YO17 7HH

Planning Service
Jill Thompson
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28 March 2014

Dear Ms Andrew

Land at Castle Howard Road, Malton. Ref: 14/00224/preapp

Thank you for your pre-application enquiry regarding the above and the accompanying fee. This letter provides my initial response to your enquiry. I have taken the opportunity to advise you of the information and detail the Local Planning Authority will require to assist the consideration and determination of an application and to provide you with my informal views on the merit of the proposed scheme based on the information which you have provided to date. I note the survey work which your client has undertaken and that you have been in contact with the relevant utility providers.

The proposal is clearly a major development proposal at the District's Principal Town. It is significant in scale and proposes a level of housing development which equates to one third of the planned housing provision for the twin towns. The proposal and any application raises a number of issues which including the form that the application should take, the principle of development and the range of development management issues.

Before I cover the relevant issues, I do feel that I need to clarify one point which you make in your covering letter, which refers to our initial meeting on the 11th December 2013. It is entirely correct that we did discuss the fact that new primary school provision was required to support the planned level of housing for Malton and Norton which is established in the development plan (The Ryedale Plan- Local Plan Strategy). Your recollection of the meeting is that we had confirmed that there was potential for this to be accommodated on a number of sites in Malton and Norton.

Whilst I appreciate that you have provided a précis of the meeting as context for the enquiry, I do think it is important that I clarify this point. Essentially, as Gary Housden and I outlined at our meeting, the Council will look to secure land to deliver additional school capacity as part of the site allocation process. Landowners who are promoting larger sites will be approached as part of this process to explore their willingness to have land acquired or offset against CIL charges. A number of larger sites have been put forward for consideration through the Sites Document process and negotiation around this issue will help to inform choices as part of the site selection process. My point is that it is against this context that there is potential for the need for additional provision to be addressed. At this stage this 'potential' is not based on the commitment of landowners and nothing is secured.



Form of an application

You have indicated that an application will be for outline planning permission with all matters reserved except access. I should advise you that in my view, this will not provide sufficient information to allow the scheme to be fully assessed against the recently adopted local planning policies. Whilst I agree that the detailed design and appearance of buildings and landscaping are appropriate matters to reserve, the application will need to include full details of:

- Means of access for a range of users to, from and within the site
- Layout of the proposal including all buildings, open spaces and landscaping
- The detail and location of all dwelling types, sizes and tenures

Principle of development

The policies of the development plan establish whether a proposal is in accordance with the Plan and whether it is acceptable in principle. You will be aware that Ryedale's development Plan currently consists (for the most part) of the adopted Local Plan Strategy and will include site specific land allocations and protection policies through the Sites Document and Helmsley Plan.

A number of strategic policies and principles of the Local Plan Strategy (LPS) guide new development to the Principal Town over the next 15 years. The LPS places an emphasis on locating new development at Malton and supports the development of sites of a range of sizes. Notwithstanding this, the site is located outside of the existing Development Limits of the Town and is not allocated for housing in the development plan and on this basis, the development of the site would not be in accordance with the adopted development plan.

You will be aware that against this context, any decision to release the site could only be made on the basis that material considerations are such that they outweigh the need to make decisions in accordance with the plan. Therefore, your client's planning application will need to be supported with a strong and robust justification as to why the site should be released now, in advance of the allocation of development sites through the plan-making process. I should emphasis at this point that the remainder of my response to your enquiry should be considered within the light of this key matter.

Housing Land Supply

Clearly national planning policy (the NPPF) places significant weight on housing land supply and this will be an important material consideration in determination of the application. At November 2013 (the most recent calculation), the Council was confident that it could demonstrate a 5 year supply of deliverable housing land. Housing land supply exceeded 5 years worth of supply and the Council's trajectory work illustrates that this existing supply will deliver 5 years worth of housing over the next five year period. I appreciate your point that the release of the site would provide a consistency of supply from 2016 onwards. However, I am of the view that, in respect of housing land supply, there would need to be strong and compelling reasons to release the site at the current time which would contrary to the development plan (which is considered under these circumstances to be up to date) and which would undermine a core principle of national planning policy that development should be plan-led.



The Council will be updating its housing land supply position during April 2014. It is not anticipated that the supply position will have increased and clearly, if the supply was to drop below the five year position, the application would need to be considered within the context of paragraphs 49 and 14 of the NPPF.

Housing Mix and Tenure

The application will need to contain sufficient information to enable compliance with Policies SP3 and SP4 of the Local Plan Strategy to be fully considered.

Policy SP3 establishes a policy target for the provision of 35% of the dwellings to be affordable housing provided on-site. The application will need to be accompanied by full details of the number, location and types of affordable housing to be provided, together with details of how it is intended that the affordable housing will be delivered.

It is particularly important that the application demonstrates that the size, type and tenure of the proposed affordable units reflect local housing needs. The latest Strategic Housing Market Assessment (SHMA) provides evidence to suggest that in terms of affordable housing tenures, 10% of the affordable units to be provided should be intermediate tenures with 90% as social rented and affordable rented tenures. The SHMA information also indicates the size of affordable housing required to address local needs which is for a range of affordable property sizes, predominantly for one and two bedroom properties. In terms of the location of the affordable properties you have indicated that affordable units will be pepper potted throughout the scheme and that it is intended that there will be no visual differentiation between tenures. In principle this is welcomed.

SHMA information reflects needs projected for a five year period. Clearly, if your site is released now it will be built out over a longer time period. However, I do not consider that this presents a particular problem in terms of identifying the type of affordable housing to be provided from the scheme. The pattern of need at the Principal Town has been largely consistent across housing needs surveys over time and notwithstanding this, the level of affordable housing provided by the scheme, will not, in any event, exceed existing identified requirements.

The application should indicate how the affordable homes will be delivered and that the units can be delivered in accordance with national definitions. The Local Planning Authority will expect social rented and affordable rented tenures to be delivered through a Registered Provider. In this respect, I would urge you to discuss your proposal with these bodies. They will provide you with an indication of the transfer values that they will provide for different sized units which will be integral to the development economics and viability. Early contact with Registered Providers will also reveal the extent to which the proposed size and location of affordable units are acceptable to them and therefore deliverable.

The Principal Town has the largest concentration of unmet affordable housing need in the District and in my informal opinion, the ability of the scheme to address affordable housing need provides the strongest justification in support the release of the site at this stage. If, having considered my response to you enquiry as a whole, your client decides to progress with a planning application, I can only advise you to provide as much information to demonstrate compliance with Policy SP3, including a scheme layout confirming the



location, size and type of the proposed affordable units, together with sufficient information to demonstrate that the affordable housing to be provided is capable of being delivered.

Turning to the mix of housing to address general market requirements, the application should include provision for a range of property types and sizes including 2, 3 and 4 bed homes. The Planning Authority will also expect at least 5% of the homes built on the site to be ground level, single storey properties, which could for example take the style of almshouses.

Design

I appreciate that your client has a strong vision for the scheme and I agree that the proposal does present a different 'offer' to the new housing development which is currently available and that this would serve to extend housing choice.

Matters of detailed design can be reserved and for this reason, it is not necessary for me to address these matters in any particular detail at this stage although, from the indicative information provided I do not anticipate that matters of scale, material, density or massing to be matters of significant concern. As a major extension to the Town, I consider the main strategic design issues to relate to the layout of the scheme and its integration with the town.

The indicative layout shows a series of housing blocks of similar size that are framed by roads/ access routes and verges. The ability to orientate oneself in a site of such size will be important to users and is an important factor in the design of the scheme. Often this is achieved through the inclusion of a hierarchy of routes and spaces within a scheme and through the use of buildings or structures to provide focal points. The village facilities will go some way assisting the 'legibility' of the scheme but it is not immediately apparent from the indicative plan as to how this will be achieved throughout the scheme as a whole to avoid uniformity of the housing blocks and to assist access through and within the site.

The scheme appears to incorporate shared space, access and private curtilage space at the centre of each housing block. The application will need to detail the nature of these areas as the Local Planning Authority will need to be satisfied that they will function as safe and useable areas. It is not clear from the indicative plan/ enquiry as to how car parking is to be configured or standards complied with. I strongly advise you to contact North Yorkshire County Highways to discuss the car parking standards and road adoption standards that are currently in operation.

Integration of the site with the Town will be largely achieved through appropriate pedestrian and vehicular access to the existing built up area. The indicative plan shows main access points at Castle Howard Road and Middlecave Road which will assist in this regard.

I do not consider that the proposed mix of uses presents a significant issue for the scheme in principle, although it is likely that the proposed employment units will be subject to conditions restricting the nature of activity to B1 use or uses appropriate in a residential area and hours of operation. I am concerned that the indicative plan/ enquiry provides no explicit provision for on-site open space and this is a matter which will need to be addressed as part of any application.



Transport

An application will need to be supported by a detailed transport assessment which outlines the impact of associated transport movements on highway and junction capacity and road safety. The Malton and Norton Strategic Transport Assessment, prepared to support the strategic policies of the development Plan did particularly highlight capacity issues at the Castle Howard Road and York Road junctions associated with development in this area.

Your transport assessment should also provide details of the vehicular movements to and from the A64, particularly effects on the A64/ B1248 junction as I anticipate that the Highways Agency will be keen to establish the extent to which the proposal will impact upon the trunk road.

The application will need to contain sufficient information to demonstrate that the impact of the proposal on capacity and safety of the highway network can be satisfactorily accommodated or that its impact can be mitigated, through improvements to existing junctions or the provision of new access/junction from the local highway network.

I should also point out that the Local Planning Authority will also seek contributions towards the cost of the Brambling Fields junction improvement. This is a strategic junction improvement which has been delivered by the Highways Agency, Highway Authority and the District Council in order to support planned levels of growth at the Principal Town. The contribution is calculated on the basis of the number of passenger car units (PCU's) generated by the proposed development which will travel through the central Butcher Corner junction in the am peak. The current cost per pcu is £7,500.

Education

Currently, Malton County Primary School has no capacity to accommodate the need for new school places which would be generated by the proposal. The education authority is currently providing additional temporary capacity at the primary school to address the needs arising from underlying demographic change and from existing planning commitments. The situation is such that the need generated by the proposed development will not be able to be addressed through financial contributions to provide additional capacity at the existing primary school.

The proposed development will also generate a requirement for additional capacity at Malton School – the secondary school facility at the Town. It is considered that this impact can be mitigated by means of a financial contribution. The current level of contribution used by the Education Authority is £20,293 per secondary school place.

In my informal opinion, the situation in relation to primary school capacity presents a significant issue and I can only advise you to consider ways in which the impact of your proposal can be satisfactorily mitigated.

Open Space and Recreational facilities

The proposed development will give rise to additional demand for use of open space and recreational facilities and an application will be expected to contribute to provision across a range of typologies in accordance with Policies SP10 and SP11 of the Local Plan Strategy.



The extent to which these contributions are provided through on and off-site provision is a matter that can be negotiated as part of the application.

Landscape and Biodiversity

I note that you have completed a Phase 1 ecological survey of the site and that this will be submitted as part of the application. I should advise you that Policy SP14 requires a net gain in biodiversity to be provided as part of new development schemes and this should be addressed in any application.

The site itself is not covered by any form of landscape designation. Although it does not immediately abut the boundary of the Howardian Hills Area of Outstanding Natural Beauty, an application should assess/ address any impact that development of the site may have on the setting of the AONB in order to demonstrate compliance with Policy SP13 of the Local Plan Strategy.

It is evident from your indicative plan that your client recognises the need for the application to include appropriate boundary landscaping. As part of this, you may wish to include details of existing trees within and around the boundaries of the site and how these are to be treated as part of the scheme. Whilst I appreciate that you will want to have a detailed landscaping matters reserved, an indication of the proposed treatment of trees, particularly mature trees may help to allay any concerns arising from members of the public.

Environmental Impact

The site lies in close proximity to the A64 and the application should be accompanied by a noise survey to demonstrate the impact of road noise and to assess the proposal against Policy SP20 of the Local Plan Strategy.

I am also of the view that the application will need to be accompanied by an Air Quality Management Assessment given the scale of the proposal and the location of the site in relation to the Malton Air Quality Management Area. This assessment will be closely linked to your transport assessment.

The application should also include sufficient information to allow it to be considered against Policy SP18 of the Local Plan Strategy relating to Renewable Energy and Low Carbon Energy.

I anticipate that you will be contacting me separately to seek a screening opinion under the Environmental Assessment Regulations. I am of the view that given the proximity of the River Derwent SAC, the application should be accompanied by an Appropriate Assessment under the Habitats Regulations.

Conclusion

In my informal opinion, I consider that the proposed site has the potential to deliver against a number of the strategic and 'place making' objectives and principles of the Plan. I hope that my response provides you and your client with an indication of level of detail and issues to be addressed before the Local Planning Authority can establish whether this potential can be realised and whether there is sufficient justification to support the release of the site at this stage, outside the provisions of the development plan. Notwithstanding

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this, impacts arising from the scheme will need to be satisfactorily mitigated if the proposal is to be considered acceptable in planning terms.

I hope that your client finds this response useful and agrees that it provides a basis for meetings which we will have as part of the pre-application process. I look forward to the first of these and I will endeavour to meet with you at your convenience.

Yours Sincerely

Jill Thompson
Forward Planning Manager



REVISED DOCUMENT

Fitzwilliam Malton Estates

Planning Statement Addendum

Report

May 2015

Planning Statement Addendum



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Appendix A Letters from Ryedale District Council, the AONB Manager and Natural England

Appendix B National and Local Planning Policy

Appendix C AONB Managers Letter (30th July 2014)



1. Introduction

- 1.1 This Planning Statement Addendum has been prepared and submitted by WYG on behalf of Fitzwilliam Malton Estate. It accompanies the amended Environmental Statement (ES) provided to support an outline application for the demolition of outbuildings associated with an existing veterinary surgery and erection of a mixed use, residential led development for a maximum of 500 residential units (including retirement home), employment (B1), community (D1/D2) and retail (A1/A3 and A4) uses, structural planting and landscaping, informal public open space, children's play areas and surface water attenuation (site area 21.75 ha).
- 1.2 The site is a greenfield site, located adjacent to an existing residential development on Castle Howard Road, within the A64 boundary at Malton. The proposed development is located to the west of Malton adjacent to the existing development limits as defined by the Ryedale District Local Plan Proposals Plan (2002). It is well connected to the existing settlement of Malton with the secondary school located to the north of the site, residential development to the east and the A64 bounding the site to the west. Access to shops and services available in Malton are less than 1.6km away along with the bus and railway station which provide routes York and Scarborough and beyond.
- 1.3 The development will form a natural extension to the existing urban form of Malton. This is supported by Policy SP3 of Ryedale's LPS which acknowledges the requirement to release land for housing identifying land located to the west of Malton, within the boundary of the A64 as potentially suitable. Further, the site has been included as a Category 1 site with the Council's Strategic Housing Land Assessment and has been identified in the Special Qualities Study of Ryedale's Market Towns (ref: MNH1) as suitable for housing. Therefore, the proposed is sustainable development. Taken together, this constitutes a presumption in favour of residential development of the site. Any consideration of the developments impact on the surrounding landscape character must take this presumption in favour into account
- 1.4 This Planning Statement Addendum supersedes the previous addendum issued in November 2014. It is issued along with a package of new and amended information including:



1. Environmental Statement (amended) incorporating a detailed Planting Plan relating to the Structural Planting to be provided at Phase 1 (Phase 1 Planting 1-3 ref: MPO3) and detailed Landscape Management Plan.
 2. Design and Access Statement (amended).
 3. Indicative Landscape Approach / Block Layout (ref: MP02).
 4. Indicative sections including landscaping (ref: MP02).
 5. Phasing Plan (ref: PH01 rev C).
 6. Indicative Building Typologies (ref: 137-8).
 7. Independent Design Review of the proposed.
 8. Viability Assessment.
- 1.5 This package of information has been submitted to address concerns raised by Ryedale District Council, the AONB Manager and Natural England (**Appendix A**) in response to the proposed development and superseded ES (November 2014). It follows agreement to deal with the planning application as an outline with all matters reserved.
- 1.6 The Phasing Plan provides a clear understanding of how the development will be delivered over the 15 year build period. It links directly to the LVIA assessment (Appendix 6 of the ES), detailed Planting Plan relating to the Structural Planting to be provided at Phase 1 (Phase 1 Planting 1-3 ref: MPO3) and detailed Landscape Management Plan. It is also linked to the viability assessment and wider delivery of the scheme providing the basis against which to agree an extended life planning permission.
- 1.7 The Indicative Landscape Approach / Block Layout, Indicative Sections and Indicative Building Typologies (ref: 137-8) provide further context as to the design approach demonstrating the high quality of the proposed.
- 1.8 The viability assessment is submitted in line with NPPF and Local Plan Policy to support discussions with the Council regarding the planning obligations sought in relation to the development. These include: contributions towards off site highway improvements, financial contributions towards



primary and secondary education provision and affordable housing. The overall package also includes the offer by the applicant of land for a school, over and above the policy requirements. The outturn of the viability assessment will be finalised through discussions with Council officers, and the figure now proposed by the applicant, taking into account the viability assessment, is confirmed at Section 3 of this report.

- 1.9 This addendum to the planning statement demonstrates how the development complies with the requirements of the National Planning Policy Framework (NPPF), Local Plan Policy SP13 (**Appendix B**) and facilitates the delivery of the objectives of the Howardian Hills AONB Management Plan. It also seeks to demonstrate how the impact of the proposed can be balanced against a number of key benefits.

2. Environmental Impact

- 2.1 The amended Design and Access Statement provides a more detailed explanation of the proposed development whilst the amended ES and accompanying plans provides an accurate assessment of the potential Landscape and Visual Impact on the environment with specific reference to the neighbouring Howardian Hills AONB which is a sensitive landscape as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 2.2 The Howardian Hills AONB Management Plan 2014-2019, produced by the Howardian AONB Partnership, provides clarity as to what the specific special qualities of the area are:

"The Howardian Hills have a strong unity of visual character, not least because they are physically separated from the surrounding countryside, but also because there are a number of common characteristics which bind the landscape together. The strongest of these is the dominance of woodland, which seems to form a green web across the whole area. The open sweeping views from the ridge tops and the quiet intimacy of the enclosed valleys are experiences which constantly recur whilst travelling through the area. The sheer complexity of the land cover, with its rich patchwork of crops, pastures, woods, trees and hedgerows is another consistent quality across most of the area."

- 2.3 The ES provides a comprehensive assessment of the impact of the proposed development on the AONB taking full account of the natural beauty and special qualities of this area.



- 2.4 The ES also considered the impact of the proposed on the wider landscape character surrounding the site including the Yorkshire Wolds.
- 2.5 The applicant has agreed to the withdrawal of the indicative masterplan, however the design approach (i.e. New Urbanism) remains the applicants preferred option for the development of the site as detailed in the Design and Access Statement (amended).
- 2.6 An independent review of the proposed design has been undertaken by Stefan Kruczkowski who co-authored Building for Life 12 – the industry standard for well-designed homes and neighbourhoods, endorsed by the government. This endorses the design approach taken both as being of exceptional quality and in full compliance with design guidance and policies as contained in the NPPF and Planning Policy Guidance (PPG).

Impact on the AONB

- 2.7 The landscape of the AONB itself would remain unchanged by the development proposals, being located outside of the AONB. However, in their Screening Opinion the Council identified that:

"it is considered that the proposal is likely to result in a significant effect in terms of landscape character and visual impact and is in a sensitive location adjacent to the Howardian Hills AONB and is located within the setting of the AONB".

Landscape Character and Visual Impact

- 2.8 There are limited views of the AONB from the site and, importantly from other areas within Malton looking westwards across the site towards the AONB. Similarly the impact of the development on the AONB when viewed from within its boundaries is also limited as views of the site are few and experienced only as glimpses through gaps in the existing hedgelines and woodland. This limits the impact of the development on the wider landscape setting of the AONB and surrounding landscape character areas.
- 2.9 The site is most visible from one location on the boundary of the AONB, viewpoint 10, where the whole of the western boundary of the development site can be seen through a gap in the existing trees. Concerns regarding the impact from this viewpoint were reiterated by the AONB manager in his letter dated 4th March 2015 (**Appendix A**). The winter photographs show that from this viewpoint the existing western edge of Malton is already visible. The overall significance of the



impact on the AONB landscape as a whole is mitigated by the nature of the viewpoint and receptor. It is located on a footpath where there are no seating areas or specific points of interest, therefore receptors are transient and less sensitive. The view is glimpsed, the existing western edge of Malton is already visible and the footpath is located on the AONB boundary (the AONB lying to the west and the development to the east as receptors move north / south along the path). Nevertheless, the impact of this view on the AONB is adverse and high as defined in the ES. The impact reduces to moderate as the extensive mitigation planting implemented at year 0 matures.

- 2.10 In terms of viewpoints from further within the AONB the most sensitive is viewpoint 7, from where the site is partly visible and remains so after year 15, when the mitigation landscaping is fully established. The impact on this viewpoint is reduced by the distance of this view, the proposed mitigation (including structural planting implemented at year 0) and the high quality design of the development and materials proposed.
- 2.11 Overall, whilst there is undoubtedly a visual impact resulting from the development as proposed, the significance of this impact on the AONB as a whole is reduced by the small number, and peripheral nature, of viewpoints.
- 2.12 The presence of urban form, in the location proposed – looking towards Malton, is not to be unexpected. The A64 is audible with high sided vehicles clearly visible, there are significant 33Kv pylons and wirescape crossing many of the views and the western edge of Malton is clearly visible from many of the viewpoints identified. The site will form a natural extension and a clear boundary to the existing town of Malton providing an opportunity to define this edge with a high quality and holistic design approach, incorporating mitigation planting which will introduce elements of the characteristics of the AONB (woodland).
- 2.13 It should also be noted that there are other locations within the AONB where the urban form of the town (including the far more discordant York Road Industrial Estate) is highly visible.

Impact on the Setting of the AONB

- 2.14 The Council stated in their Screening Opinion that the application site and triangular strip of land adjacent to it, forms part of the setting of the AONB. The "setting" of the AONB has no particular protection as a designation in its own right. Whilst paragraphs 115 and 116 of the NPPF give great weight to the conservation of the landscape and scenic beauty of the AONB and set restrictions on



development within it, there is no reference to their application to land within its setting. However, the National Planning Practice Guidance (PPG) notes that the statutory duty to have regards to the purposes of the AONB should apply also to the consideration of the impact of development on land outside its boundaries which might affect the setting.

2.15 The Local Plan Strategy (Policy SP13) also refers to setting but does not provide any guidance as to what areas of the surrounding landscape form the setting of the AONB, nor does it provide any key characteristics by which to identify landscapes which form part of the setting of the AONB.

2.16 The Howardian Hills AONB Management Plan provides a definition of setting in the Glossary stating setting is:

"The surroundings in which a valued area, site, building or feature is experienced. Its extent is not fixed and may change as the assets and its surroundings evolve".

2.17 This definition clearly links setting to the ability to experience the AONB. Whilst the site is undoubtedly within close physical proximity of the AONB and the surrounding footpaths and roads are used to access the AONB, it is not highly visible from the AONB, nor are there significant views across the site into the AONB. This is because the topography of the area and existing wooded landscaping both around the site and along the AONB boundary limit views. In fact, the very nature of the special characteristics of the AONB, which includes rolling hills and green webs of woodland, provides natural screening. This is reflected in the ES Visual Survey and the number and location of views agreed with the Council and AONB Manager which are limited and largely located outside of the AONB or on its boundary.

2.18 This is, however, just one definition of setting and it is arguably appropriate to also consider if the site has features in common with the AONB to further assess its role within the setting of the AONB.

2.19 The AONB Management Plan is clear in its definition of the Special Qualities of the AONB that the unusual landform of the AONB separates it from its surroundings stating:

"The Howardian Hills have a strong unity of visual character, not least because they are physically separated from the surrounding countryside"



- 2.20 This suggests that the boundary of the AONB is defined by a clear change in landscape character. Nevertheless, it can be said that the site shares some physical characteristics with the AONB being arable fields with mature hedgerows and trees along its boundary. This view is supported by the AONB Manager in his letter dated 30th July (**Appendix C**) which states:

"The current western boundary of the built-up area of Malton is characterised by mature trees and only occasionally visible buildings. Even with the 33kv pylons and wirescape, Malton and the AONB appear to blend reasonably seamlessly into each other in a relatively contiguous landscape. As such therefore the application site has a broadly similar landscape character to the eastern end of the AONB"

- 2.21 The winter photographs show a different picture with the majority of existing residential properties located along the eastern edge of the site being clearly visible from the viewpoints assessed, particularly viewpoints 7 and 10. The proposed mitigation landscaping (a deep tree belt along the western edge of the site extending between 30-50m) not only provides substantial mitigation of the proposed but also defines the edge of Malton through introducing a woodland element, a key characteristic of the AONB appropriate to its role as forming part of the setting of the AONB.
- 2.22 In terms of the wider impact on the setting, the site is located between two routes which access the AONB i.e. Castle Howard Road (vehicular highway) and Middlecave Road (footpath access), the latter being a well-used public footpath providing a direct link between Malton and the AONB footpath network.
- 2.23 Users of these routes will be impacted on by the proposed development, particularly those accessing along Middlecave Road where the vehicular highway ends at the existing veterinary surgery and the footpath begins. At this location the existing landscape character of the route changes from urban to a more rural landscape with mature hedgerows enclosing the route on both sides. The potential impact on this character and the setting of this route into the AONB was identified early in the ES process resulting in the development being pulled back from Middlecave Road at this point and the removal of the employment block proposed at the north western corner of the site. This enables the retention of the existing mature hedgerows and rural character of this end of Middlecave Road reducing the impact of the proposed on this route to glimpsed views.
- 2.24 Views of the site from the AONB and vice versa are limited. Nevertheless, there are points along this footpath as it travels east / west accessing the AONB and for a short distance into the AONB,



along the adjoining footpath running north / south along the AONB boundary and along Castle Howard Road travelling towards Malton where the site or the AONB is visible. These views are limited in number and the impact is mitigated by how these views are experienced i.e. glimpses through the existing and proposed woodland as one moves along the footpath. The peace and tranquillity of these routes are already affected by the presence and noise of the A64 (with high sided vehicles clearly visible) and the scale of the 33Kv pylons and wirescape.

- 2.25 This supports the findings of the ES which identifies a moderate adverse impact on the landscape and visual character of the AONB (including its setting) resulting from the development, reducing to a minor residual impact as the proposed mitigation measures, being largely landscaping, mature and the development settles into its wider setting.

Impact on Tranquillity

- 2.26 During the construction phase there will be an impact on this tranquillity, however, this is mitigated by distance and limited to construction working hours. Once operational, the proposed will have no impact on the tranquillity of the AONB.
- 2.27 In fact the proposed landscaping to the southern and western boundaries of the site will offer an arguably improved route into the AONB from Castle Howard Road, through the extensive woodland area, accessing the footpaths off Middlecave Road and avoiding vehicular traffic. This will have a positive impact on the tranquillity and setting of the AONB at the operational stage of the development. New paths and pedestrian routes through the proposed development and substantial planting proposed to the western and southern boundaries will both extend the wooded nature of the AONB into Malton as well as improve pedestrian access from the town into the Howardian Hills beyond.

Taller Elements

- 2.28 A key concern raised by the Council has been the impact of the taller elements of the scheme, particularly on views from the AONB. The revised photomontages are accurate as per the methodology set out on page 2 of the LVIA (Appendix 6 of the ES). They demonstrate the impact of the taller elements on the AONB is minimal insofar as they introduce small vertical elements that punctuate above the proposed mitigation planting but are largely screened at year 15.



- 2.29 As stated, it is not unexpected to see development when looking towards Malton from the AONB, in fact the high quality design and materials proposed (as set out in the amended DAS) ensure the towers have the potential to provide points of interest rather than detracting from the setting of the AONB.
- 2.30 The design approach being taken by the applicant is fully compliant with Building for Life 12 – the industry standard for well-designed homes and neighbourhoods, endorsed by the government. This design approach taken has been independently assessed as being of exceptional quality and in full compliance with design guidance and policies as contained in the NPPF and NPPG.
- 2.31 It must also be reiterated that the number and location of views, being limited and largely glimpsed views along the AONB boundary is itself a mitigating factor reducing the overall impact of the proposed on the AONB.

Traffic Impact

- 2.32 This is dealt with under a separate addendum to the Transport Assessment which demonstrates no significant impact.

Landscape Character

- 2.33 In considering landscape character Policy SP13 requires development proposals to contribute to the protection and enhancement of distinctive elements of landscape character including: the distribution and form of settlements and buildings in their landscape setting, the character of individual settlements, including building styles and materials, the pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses) and visually sensitive skylines, hill and valley sides.
- 2.34 The amended DAS accompanying the planning application provides a detailed assessment of the existing form and distribution of the settlement of Malton within its landscape and demonstrates how the design of the proposed will reflect the traditional character of the town and its buildings. This is confirmed by the independent review of the proposed.
- 2.35 The development will form a natural extension to the existing urban form of Malton. This is supported by Policy SP3 of Ryedale's LPS which acknowledges the requirement to release land for



housing identifying land located to the west of Malton, within the boundary of the A64 as potentially suitable. Further, the site has been included as a Category 1 site with the Council's Strategic Housing Land Assessment and has been identified in the Special Qualities Study of Ryedale's Market Towns (ref: MNH1) as suitable for housing. Taken together, this constitutes a presumption in favour of residential development of the site. Any consideration of the developments impact on the surrounding landscape character must take this presumption in favour into account.

2.36 The proposed development will result in the loss of agricultural land and the removal of some existing field boundaries and hedgerows within the site. However, the extensive landscaping proposed including the retention of mature trees and hedgerows along the boundary of the site, the provision of a significant belt of native species planting along the western and southern boundaries and the proposed village green, running the full length of the site to the east of the development, will provide a number of positive impacts on landscape character including:

- Creating and reinforcing the woodland character along the boundary of the site with the A64;
- Improving the appearance of the A64 corridor;
- Restoring and protecting hedgerows at the northern boundary of the site;
- Screening the proposed development;
- Softening the appearance of the existing wirescape and pylons;
- Improved biodiversity through the choice of planting and provision of a wetland habitat on site;
- Improving pedestrian access from Malton to the AONB beyond.

2.37 These are all objectives of the many landscape character assessments reviewed as part of the LVIA process.

2.38 The proposed development does not impact on any sensitive skylines, hills or valley sides being located on a generally flat site in an area where the surrounding topography is relatively flat.



3. Conclusion

- 3.1 As set out in the ES the residual impact of the proposed development on the landscape and character AONB is **minor**.
- 3.2 The site is not highly visible either from within the AONB or from the wider surrounding area / landscape. Nor are there prominent views of the surrounding countryside and National Character Areas which would be affected by the proposed development. There will be no lasting impact on the wider landscape setting of the AONB as whole or surrounding landscape character areas.
- 3.3 The loss of agricultural land and internal hedgerows has a minimal impact and is consistent with emerging land allocation policy, the Councils SHLAA and the character assessment of Ryedale's Market Towns.
- 3.4 The extensive mitigation measures proposed ensure additional screening and will be implemented at the start of the development to allow significant time for this to establish. It also provides a number of key additional benefits including:
- Enhanced biodiversity through the retention, reinforcement and creation of new habitats;
 - The provision of a wetland / pond providing habitat and recreation;
 - Increased permeability across the site and improved access to the wider footpath network in the AONB; and
 - The retention, reinforcement and creation of extensive woodland along the western and southern boundaries of the site.
- 3.5 It is therefore considered that the proposals do not detract from the natural beauty and special qualities of the AONB or its setting as required by Policy SP13.
- 3.6 This extensive mitigation, along with the package of contributions requested by Ryedale Council to meet current policy requirements has been considered in the viability assessment submitted as part of this revised package of information. National Planning Policy states that to ensure viability, the costs of any requirements likely to be applied to development should provide competitive returns to



a willing landowner and willing developer to enable the development to be deliverable (i.e. viable). Local Plan Policy SP3 requires 35% affordable housing but acknowledges the need to negotiate schemes having regard to the circumstances of individual sites and scheme viability.

3.7 The overall package of contributions is currently proposed at £2.68m, plus the transfer of land for a school and 10% affordable housing. This would make a substantial contribution to planning requirements in relation to Primary Education £1,699,500, Secondary Education £933,478 and off site highway improvements totalling £154,500. It is anticipated that these figures will form the subject of negotiation with the Local Planning Authority. This negotiation may lead to changes in this overall package, and it is anticipated that the report to Planning Committee on the application will provide an update on the proposed planning obligations package.

3.8 The wider benefits of the proposed residential development, as set out in the supporting documentation provided with the application, are significant often exceeding policy requirements in other areas. These include:

- The high quality design of the proposed houses and the increased choice and availability of residential properties will attract new residents to the area, as well as meeting existing demand for new homes from local people.
- The proposed will deliver up to 500 new homes, including affordable units, helping to ensure continuity of supply.
- Opportunities for self-build through the provision of a number of self-build plots.
- The village square includes a range of uses with the potential for a new doctor's surgery, subject to the NHS having a requirement.
- A significant financial contribution towards education provision and a site for a primary school.
- Significant areas of new, publicly accessible open space across the site, including children's play space and allotments.
- Jobs will be created both during construction and beyond as a result of the proposed development and the increase in population in the area, supporting local businesses.



- The development will incorporate sustainable building practices and green technologies where possible.
- Highway improvements including a new junction at York Road and Castle Howard Road, improvements to Castle Howard Road and Middlecave Road and increased access to bus services in the area.
- Investment in green travel incentives to encourage new residents to utilise alternative methods of travel.

3.9 The proposed is a sustainable development which will deliver a number of benefits to the local area; therefore, the proposed should be approved in line with paragraph 14 of the NPPF.



APPENDIX A

Development Management
Ryedale District Council
Ryedale House
Malton
North Yorks
YO17 7HH

Contact: Paul Jackson

My Reference:

Date: 4 March 2015

Dear Sirs

14/00678/MOUT: Outline application for the demolition of outbuildings and erection of mixed use residential-led development; Castle Howard Road, Malton

In response to the letter submitted by GVA, dated 13th February, I have the following observations to make:

- I apologise if my comments have caused offence to anyone, but I'm afraid that many years of dealing with sub-standard or apparently 'selective' documents have made me somewhat cynical. It should also be borne in mind that I scrutinised the photomontages in the context of the erroneous first draft of Viewpoint 7 which was presented to Ryedale DC in September 2014. As I pointed out, this had translocated the development to a different site over half a kilometre away, in a field west of the A64 and north of the Middlecave Road footpath. This was a fundamental error that had clearly been missed during the preparation and checking stage, which of course meant that I was bound to examine any subsequent work very carefully in order to test its veracity and plausibility. In relation specifically to Viewpoint 7, I stand by my original comments that, using the known fixed points on the base plan, I believe that the orientation tower ought to be further to the north in the photomontage than is currently shown.
- Upon re-reading paragraph 2.18 of the Planning Statement Addendum I see now that the context relates only to the Middlecave Road footpath in so far as it extends to The Plantations at the edge of the AONB. I had interpreted it as continuing on towards Viewpoint 7, and hence into the AONB, which is what it actually does on the ground. In the context of the footpath stopping at the 'crossroads' at the edge of the AONB then my statement indeed becomes incorrect.
- I'm afraid that the rebuttal of my observation about a skyline of housing units of more than 2 storeys being visible from Viewpoint 10 misses the point that I was making. Whilst the *numerical* majority of the proposed units may indeed be two storeys or less, the *distribution* of units of more than 2 storeys across the *whole* development site means that there are very few east/west 'transects' that do not have a unit of higher than 2 storeys somewhere on their length. This creates the visual effect of a nearly continuous skyline of buildings higher than 2 storeys.

Cont'd...

As somewhat of an aside, but nonetheless important in a debate about accuracy, I noticed in the course of re-examining my previous hypotheses that the 2 storey employment block in the very south west tip of the site appears to have been missed off the photomontage. Due to the separation distance from the remainder of the development this would appear from Viewpoint 10 as an isolated building sky-lined on its own.

- The apparent differences in interpretation about the location of the orientation feature in the photomontage from Viewpoint 7 and the skyline of 2 storeys or more as seen from Viewpoint 10 could I feel be resolved by discussion at a meeting. I note however that further LVIA work is planned and it may be more appropriate to wait until this has been finished. On the other hand, any further work needs to progress from a mutually agreed consensus and it might seem sensible to resolve the points of contention before any further photomontages are prepared?

Yours sincerely

P B JACKSON
AONB MANAGER

Date: 20 January 2015
Our ref: 139337
Your ref: 14/00678/MOUT



Jill Thompson
Ryedale District Council
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BY EMAIL ONLY

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Dear Jill

Planning consultation: Additional information: Outline application for the demolition of outbuildings and erection of mixed use residential-led development

Location: Castle Howard Road, Malton

Thank you for your consultation on the above dated 05 December 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Landscape advice - Howardian Hills AONB - Objection

Natural England has assessed this application and has identified a likely significant impact on the purposes of designation of the Howardian Hills AONB. We therefore object to this development. The photomontages for Viewpoints 7 and 10 demonstrate a significant adverse impact on views from the AONB, even after 10 years' growth of landscape planting, both with and without the towers. There will therefore be a significant impact on landscape character in the setting of the AONB, with the view towards Malton becoming dominated by the urban edge, and the landscape planting itself also foreshortening the view from the AONB.

Whilst we consider that the LVIA has been carried out to a satisfactory methodology in accordance with the Guidelines for Landscape and Visual Impact Assessment¹, there are a number of locations both along Broughton Lane (between viewpoints 7 and 9), and on the footpath running between Broughton Lane and Middleclave Road (between viewpoints 4 and 7 on Plan 7 of the LVIA), where views of the site can be obtained from within the AONB but which have not been included in the assessment. Views from the latter would appear to be particularly significant as footpath users heading east would be directly facing the site. Viewpoint 9 also does not appear to have been included in the plates; the photograph labelled viewpoint 9 in Plate 6 appears to be taken from the corner of Braygate Street and Swinton Lane (marked as Viewpoint 8).

We do not agree with the arguments made in the ES Addendum that receptors at Viewpoint 10 are less sensitive, either due to the location on a footpath, or because the view itself does not include the AONB. The view will be experienced intermittently through gaps in the trees when using the footpath running along the AONB boundary, with a number of larger gaps of which Viewpoint 10 is one example. This view of the AONB setting would be changed from a largely rural landscape to one

¹ Guidelines for Landscape and Visual Impact Assessment, 3rd Edition. Landscape Institute / Institute for Environmental Management & Assessment, 2013.

dominated by urban edge. We do not agree with the conclusion that the overall significance of the impact on the AONB will reduce to minor after 3 to 5 years. The LVIA and the ES Addendum also fail to recognise that the impact of the built form will be more apparent during winter, when the trees are not in leaf.

We note that the application is currently at outline stage. Whilst we welcome the proposal to provide publicly accessible open space on the site, we advise that further mitigation measures are put in place as part of the site masterplan in order to reduce the adverse impact on views from the AONB. This may include reducing the height of the buildings to be more in keeping with the existing character of the setting of the AONB, and to enable them to be more easily screened by landscape planting.

As previously advised, we are satisfied that sufficient information has now been submitted to demonstrate that the proposal is not likely to have a significant effect on the River Derwent Special Area of Conservation, either alone or in combination with other plans and projects.

We would be happy to comment further should the need arise but if in the meantime you have any queries, please contact James Walsh on 0300 060 1832. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours sincerely

James Walsh
Yorkshire & Northern Lincolnshire Team



Hannah Andrew
GVA
City Point
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LS1 2JL

Planning Service
Jill Thompson
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Email: jill.thompson@ryedale.gov.uk

5 January 2015

Dear Mrs Andrew

Planning Application Ref: 14/00678/MOUTE

Thank you for the Environmental Statement, Planning Statement addendum and the new Landscape and Visual Impact Assessment that you have provided as part of the above application. I will take the opportunity in this letter to provide you with my initial response to this work as well as to outline the implications for the way forward as I see them and finally, to take stock of outstanding information now that the Council has received the ES and is in a position to resume consideration of the application.

Environmental Statement and LVIA

I have two concerns about the ES and LVIA. I do not share the conclusions that the overall impact of the development amounts to a minor adverse effect. Although the LVIA contains a limited suite of photomontages, the development of the site would result in a significant adverse visual impact from at least one viewpoint - the photomontage from viewpoint 10 is a good example. I appreciate that the ES recognises the visual impact of the development from this viewpoint but I do not share the conclusion that this results in an overall moderate impact. Clearly this is a matter of judgment but it is important that you are aware that I do not share all of the conclusions of this work.

Secondly, I have some concerns about the methodology used for the LVIA. Some of the documentation provided indicates that RDC and the AONB officer agreed the methodology used. This is correct but only insofar as viewpoints were agreed. The methodology used to draw conclusions on the significance of the visual impact is not something either myself or the AONB officer have previously endorsed. Indeed, I have to say that I am struggling to understand how the conclusions of the overall significance of impact have been made. This is not clear in the LVIA or ES. Your client is aware that the LPA is seeking an independent view on this work which we expect to receive in mid-January. Once this is received I will forward it to you in order for you to provide a response.

It is my informal opinion that the development as illustrated in the DAS and indicative plan is not acceptable to this authority. The visual impact of the illustrative scheme in this sensitive location is not acceptable and I am of the view that the mitigation measures suggested in the ES are insufficiently holistic to mitigate the visual impact of the scheme and to reduce harm to the visual amenity of users of the Rights of Way into and within the AONB. I am also concerned that the suggested scale and proportions of the buildings in



and around the 'village centre' which appear to be of town centre scale proportions does not reflect the site's context and its relationship between its surroundings and the existing townscape.

The contributory factors to these concerns are the suggested scale and height of buildings and structures and the layout and orientation of buildings. Consequently, I cannot support:

- The indicative layout plan
- The storey height parameters included within the indicative layout plan which range as high as 5 storeys
- Some of the principles included within the DAS

The District Council is a positive and proactive planning authority. However, in determining an application for EIA development, the Authority must be confident that all mitigation measures have been or are capable of being employed to avoid or mitigate any harm which arises as a result of a scheme before it then proceeds to balance the planning benefits of a proposal and determines whether it considers development to be acceptable in principle. I am confident that the impact of development on the site is capable of being mitigated through measures which include a phased landscaping scheme, a significant reduction in the height of taller elements of the scheme and through the location and orientation of development on the site.

I am mindful that your clients application is in outline and that your client is keen for it to remain in outline. I have previously indicated that if building height parameters could be agreed so as to mitigate their visual impact then this represents a potential way forward. I would add (following receipt of photomontage of viewpoint 10) that this would also demand revision to the indicative layout plan to help to mitigate the visual impact associated with the scheme from the west. It is however, clear from the recently submitted information that this is not something that your client believes to be necessary. I would urge you to reconsider this as a way forward.

Alternatively, the only remaining way in which I can respond positively and proactively to your clients application in outline will be to advise the Planning Committee of my concerns and to recommend that they consider the application purely as a 'red line' outline scheme and on the basis of the description of the development applied for. If the committee resolve to approve the application on this basis, it is likely that this will be on the condition that it would not confer approval of any of the illustrative material. It is important that you are aware of this as this will have implications for any subsequent application for reserved matters and the timing of the submission of all layout, scale and landscaping details. Given that this presents a way forward and that the application material now recognises the fact that the site is clearly visible from the AONB and is EIA development, I can confirm that the Council will withdraw the Section 4(2) letter issued last July.

Outstanding Information and the draft Section 106 clauses

I would also like to take the opportunity of this letter to clarify the information which I believe to be currently outstanding and to provide you with some initial feedback on the draft Section 106 clauses which you have provided.



You indicated in September that your client intends to submit a viability assessment. I would be grateful if you could confirm when this is likely to be received. The Council will need to commission support to consider the viability assessment in detail and therefore an indication of when this information is likely to be submitted would be very helpful. I am mindful that the revised decision date for this application is 26 March 2015 and therefore it is important that this information is made available soon.

It is my understanding that revisions to the Transport Assessment will be finalised once outstanding information is considered by NYCC. I understand that progress has been made on this and that NYCC are now only awaiting information in terms of future years traffic analysis. I also understand that further detailed site access drawings and the proposed arrangements for the York Road junction have been submitted to NYCC for their consideration. I would be grateful if you could ensure that BGH provide me with a copy of these drawings so that I am able to keep track of progress on these matters. We have previously discussed that fact that revisions to the TA may have implications for the Air Quality report and we have discussed the need for a meeting with Environmental Health officers to discuss their comments in relation to noise and air quality matters.

I have previously sought clarification of the heights of buildings associated with each of the different story height parameters and used as a basis for the sketch up model in the LVIA. I apologise if this information is included in the supporting documentation and if I have overlooked it but I would like my report to Members to contain accurate information. If your client does not wish to confirm these details I would be grateful if you could confirm that the following is an accurate interpretation of the information provided.

Plan 3 of the latest LVIA provides information relating to maximum ridge heights across the different blocks. The LVIA also notes that the site generally sits on the 60 m contour. Using this information I have taken this information to mean that:

- the 5 story tower on the Middlecave Road side of the site is approximately 17 m in height
- In addition to the 30m orientation tower, the tower at the Castle Howard Road end of the site is approximately 27m in height.
- The maximum ridge height of buildings will be approximately 14m in Block D; 14.3m in Block F and 15.8m in Block J.

The text on Plan 3 is very difficult to read and I would appreciate it if you could confirm whether I have misread or misinterpreted any of this information. The Planning Statement addendum on the other hand makes reference to the towers terminating approximately 10m above the general roofscape. This would imply that the general roofscape is between 17-20m at ridge height, which appears to be different to the information/figures in the LVIA. Again it would be helpful if you could clarify this matter.

I have also previously sought reassurance that affordable housing contributions are capable of being delivered by Registered Providers. I have expressed some concern that Registered Providers may not wish to acquire properties if it is your client's intention to apply service charges and restrictive covenants across the site. You were going to confirm whether or not Registered Providers are interested in the scheme and I would be grateful if you could update me of the current position in this respect and the basis on which



discussions with RP's have progressed. You will appreciate that I do need to be confident that affordable housing contributions are capable of being delivered and I do need your written confirmation that there is interest from Registered Providers that are willing to take the affordable properties on if service charges and covenants are to be imposed.

I have also asked if you are able to confirm the agricultural land classification of the site. Our records show that it is Grade 3 but are not broken down further. It would be helpful if you could confirm the classification if this is information that your client holds.

The Planning Statement Addendum makes reference to the provision of land for a potential school. I am heartened that this reflects the discussions that we have had in relation to the contributions that are required to mitigate the impact of the proposal on primary education provision. However, I would be grateful if you could confirm the location and extent of this land and the basis on which your client is prepared to make this contribution. I will then be in a position to confirm whether this is in turn, acceptable to the education authority. I have made the point that the location of land for a new school could have implications for the access to the application site at Castle Howard Road – the proposed elongated roundabout. The position of the elongated roundabout and any Stage 1 safety audit will need to consider the need to ensure that access to the site can be successfully achieved in a way which ensures that safe access to a new school on foot and by car can be achieved in principle.

The level and type of open space provision on the site also requires confirmation. I do acknowledge the fact that you are confident that open space requirements can be easily achieved within the site and that supporting information indicates that the scheme would provide informal recreational greenspace, childrens playspace, allotment provision and a community hall. In terms of the Council's policy, the only open space typology that the site does not directly contribute to is formal sport provision.

I share your confidence that the scheme can meet on-site requirements for informal amenity greenspace (this will equate to approximately 1.50 ha using our standard). The supporting information refers to amounts of greenspace which include structural landscaped areas. Whilst these areas may be capable of some recreational use, including informal play and walking, the landscaped areas will not be suitable areas to provide level and open space for ball games etc. It would assist my understanding of the proposal if you could confirm the approximate size of the village greenspace as a separate figure from the structural landscaped areas. I am of the view that the village green space has the potential to provide a significant strategic amenity space. This is a significant benefit of the scheme although it is important that it is available for ball games and informal play as well as catering for passive recreational activity.

Additionally, the scheme would generate a requirement for a minimum activity zone area of approximately 0.36 ha of land to be made available for formal children's play in the form of a NEAP, LEAP and LAP's. I would be happy to discuss how formal play equipment may be best accommodated into the scheme as I am of the view that the site provides exciting potential to design sympathetic and creative children's play space.

Your client intends to make land available for a school which will include an area of playing field. If the community hall is capable of providing some form of indoor formal sport (carpet



bowls, badminton etc) and areas of the landscaping are designed to provide jogging or trim trail routes, this would ensure, in my informal opinion that the scheme does provide for formal recreational/ sport activity.

A strategy for the provision and use of open space on the site will be a condition of any approval of the scheme and I think that as well as confirming the level of provision, there is benefit in discussing how the open spaces may be used at this stage.

Please let me know if there is any further information which I have overlooked and which you believe to be outstanding.

Thank you for the draft Section 106 agreement. Clearly you will not be able to confirm the details of the quantum of most contributions until the viability assessment and the work on which it depends is complete. However, consideration of the draft S.106 clauses at this stage is helpful in identifying issues which may affect the deliverability of the contributions and the progress in completing the agreement should Members be minded to grant permission for the proposal. I have forwarded the draft Section 106 agreement to the Council's legal team and to colleagues in housing for their consideration and I will be in touch with you after Christmas. In the meantime, I have a number of initial comments which I would like to raise with you.

The Highway contribution clauses appear to refer to a traffic regulation order at a bridge. I think that these clauses may have been included inadvertently. Clauses will need to be inserted to secure financial contributions to Brambling Fields.

I have also noted that definitions of the Public Open Space in the draft Section 106 appear to restrict play equipment from being sited on Public Open Space. I have mentioned that I believe that the nature of the use and level of open space provision does need to be confirmed. Notwithstanding this, it is this Council's policy to ensure that formal and informal children's playspace is secured on sites of this size as part of open space provision. Information supporting the application indicates that this is what is proposed but the definition in the draft Section 106 appears to contradict this. I would be grateful if you could confirm if the definition has been drafted in error and that your client intends to ensure that formal play equipment is to be sited within the scheme.

I have also noticed that the open space clause makes reference to the preparation of a specification for the public use of the open space on the site. I would make the point that a specification for the public open space would be secured by way of a condition of any approval of the scheme rather than through the Section 106, notwithstanding this, it is important that I understand what this is intended to mean. I would appreciate it if you could make me aware of any restrictions your client intends to impose on the public use of these spaces. I should point out that the LPA will expect public open space on the site to be available for public use, including wider members of the community and not be restricted to residents of the scheme. Similarly, the LPA would not expect play or ball games to be restricted on public open space within the site.



The Section 106 agreement would need to include clauses relating to the transfer/timing of the transfer of land for educational purposes should planning permission be granted for the application. The education clauses also need to cover the financial contribution for secondary school provision.

Finally, the draft Section 106 includes a number of clauses which are intended to protect your client in the event that the Community Infrastructure Levy is introduced. Whilst I fully understand your client's position and concerns in relation to this matter, I am of the view that these clauses are not something that the Council can agree to. If the Section 106 agreement is completed prior to the introduction of CIL then the development will not be liable for CIL. I hope that this clarifies this point but if I have misunderstood the intent of these draft clauses, please let me know.

I would be grateful if you could share this letter with your client and provide me with the information and written clarification on the matters that I have raised. I think that it would be very helpful if we could then arrange to meet to discuss progress.

Yours Sincerely

Jthompson

Mrs Jill Thompson

Forward Planning Manager



APPENDIX B

Policy SP13 Landscapes

The quality, character and value of Ryedale's diverse landscapes will be protected and enhanced by:

Encouraging new development and land management practices which reinforces the distinctive elements of landscape character within the District's broad landscape character areas of:

- North York Moors and Cleveland Hills;
- Vale of Pickering
- Yorkshire Wolds
- Howardian Hills
- Vale of York

Protecting the special qualities, scenic and natural beauty of the Howardian Hills AONB, the setting of the AONB and the setting of the North Yorkshire Moors National Park.

Landscape Character

Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:

- The distribution and form of settlements and buildings in their landscape setting;
- The character of individual settlements, including building styles and materials;
- The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)
- Visually sensitive skylines, hill and valley sides



- The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure / exposure

The Council will work with landowners and statutory agencies to encourage land management practices that will protect and reinforce landscape character across the District and proposals which seek to restore areas of degraded landscape or individual landscape elements will be supported.

National Landscape Designations and Locally Valued Landscapes

The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced and the impact of proposals on the AONB, its setting or the setting of the North York Moors National Park will be carefully considered.

Proposals will be supported where they:

- Do not detract from the natural beauty and special qualities of these nationally protected landscapes or their settings;
- Seek to facilitate the delivery of the Howardian Hills AONB Management Plan Objectives;
- Are considered appropriate for the economic, social and environmental well-being of the area or are desirable to support the understanding and enjoyment of the area;

The District Council and Howardian Hills AONB Joint Advisory Committee will resist development proposals or land management practises that would have an adverse impact on the natural beauty and special qualities of the AONB unless it can be demonstrated that the benefits of the proposal clearly outweigh any adverse impact and the proposal cannot be located elsewhere in a less damaging location.

Major development proposals within the AONB that would result in a significant adverse impact on the natural beauty and special qualities of the AONB will be considered within the context provided by national policy and only allowed in exceptional circumstances.

Outside of those landscapes protected by national landscapes designations, the Council will carefully consider the impact of development proposals on the following broad areas of landscape which are valued locally:



- The Wolds Area of High Landscape Value
- The Fringe of the Moors Area of High Landscape Value
- The Vale of Pickering

The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.

The Vale of Pickering, the Wolds and the Fringe of the Moors are of significant historic landscape value and loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change.



APPENDIX C

Howardian Hills

Area of Outstanding Natural Beauty

A joint partnership funded by Defra, North Yorkshire County Council (Host Authority), Ryedale District Council and Hambleton District Council; also involving Ryedale and Hambleton Parish Councils, Natural England, Country Land and Business Association, National Farmers Union, Ramblers and Forestry Commission

Development Management
Ryedale District Council
Ryedale House
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JT
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TJC

OBJECT

RYEDALE DM

31 JUL 2014
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Contact: Paul Jackson

My Reference:

Date: 30 July 2014

Dear Sirs

14/00678/MOUT: Outline application for the demolition of outbuildings and erection of mixed use residential-led development; Castle Howard Road, Malton

My previous letters were written for the express purpose of providing information in relation to a request for an EIA Screening Opinion. Although that Opinion has now been issued, I felt it would be useful to bring all my comments together so as to provide my formal observations on this application:

Landscape and Visual Impact Assessment

1. I feel that the impact of the A64 as a barrier between Malton and the AONB has been significantly over-stated throughout the document. It may look like a large barrier on the map, but in truth, on the ground, there is still a significant visual connection between Malton and the AONB, particularly at the northern end (Middlecave Road). This is principally because the A64 is in a large cutting for much of this section, with only HGVs visible above the boundary hedges for one short section.
2. This is significant because the current western boundary of the built-up area of Malton is characterised by mature trees and only occasionally visible buildings. Even with the 33KV pylons and wirescape, Malton and the AONB appear to blend reasonably seamlessly into each other in a relatively contiguous landscape. As such therefore the application site has a broadly similar landscape character to the eastern end of the AONB, and I don't feel that the importance of the application site to the setting of the AONB has been explored at all.
3. In a similar vein, the importance of the AONB for quiet recreation doesn't seem to have been taken into account. It takes less than 5 minutes to walk from the suburban area of Middlecave Road, into the Plantations and thence become immersed in the open countryside atmosphere of the AONB.
4. I consider Viewpoint 2 (as originally mapped in the first version of the LVIA) to be the critical one in relation to visual impact on the AONB.

Cont'd...

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HILLS
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AONB family

In order to be able to properly assess the potential impact on the AONB, it will be necessary for a ground level horizon visualisation of the development from Viewpoint 2 to be provided. It will be important to understand at what point in time the visualisation represents, in order to assess any impacts during the period before screening plantings reach maturity. Photos taken during a site visit to the original Viewpoint 2, and looked at in conjunction with the tree heights given in the Tree Survey, would seem to indicate that the taller elements of the proposed development will break the skyline when viewed from this location. The applicant should be asked to provide the visualisation before any determination of this application is made.

5. With regard to Viewpoint 3, whilst in general I agree with the assessment I feel that it overlooks the effect of seasonality on the screening provided by the belt of mature broadleaved trees. Whilst providing almost total screening during the summer months this will be reduced somewhat during winter months, and I would suggest that in winter the Magnitude of Change may in fact be Slight or even Medium, making the Overall Impact Significance at least Moderate.

Traffic

1. Residents accessing employment opportunities westwards along the B1257 are highly likely to use Braygate Street and Swinton Lane, as 'rat-running' drivers already do to avoid the Newbiggin/Pasture Lane traffic lights and Horsemarket Road. This would apply to residents working at sites such as Swinton Grange, Malton Foods, BATA, etc, as well as further afield in Kirkbymoorside, Helmsley and Thirsk.
2. I'm unable to estimate what proportion of residents would have employment sites to the north west, and hence use Braygate Street and Swinton Lane, but this would be adding to what might already be considered an 'unnaturally' high level of traffic on these routes through the AONB. I consider this to have a potentially moderate negative impact on the tranquillity of the AONB.

In conclusion, I'm sufficiently concerned about the lack of information provided in the LVIA (about the potential impact on the AONB and its setting) to feel that an Objection is warranted at this stage. Although the application is only in Outline, the design ethos for the site indicates a desire to have buildings of a substantial height and the LVIA simply doesn't provide enough information on the potential impact of these on the AONB and its setting.

Yours sincerely

P B JACKSON
AONB MANAGER

REVISED DOCUMENT



Landscape
Architects
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LVIA

High Malton, North Yorkshire
Prepared on behalf of GVA

W1894
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High Malton, North Yorkshire

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I. Introduction

- 1.0.1. The Andrew Davis Partnership LLP was commissioned in August 2014 to undertake a Landscape and Visual Impact Assessment (LVIA) for the proposed development which comprises of 500 residential properties including a 60 unit retirement home ancillary employment with a significant area of open space. The site is to the north of Castle Howard Road and south of Middlecave Road and is to the east of the A64 and west of Malton.
- 1.0.2. The proposed development has been the subject of a wider consultation exercise and the number of discussions with Howardian Hill AONB and Ryedale District Council.
- 1.0.3. The LVIA chapter will assess the potential impacts on visual amenity and landscape character in the context of the Area of Outstanding Natural Beauty and the various character studies.
- 1.0.4. A complete review of the LVIA has been carried out during February - April 2015 to address the queries and concerns of Ryedale District Council, Natural England and Howardian Hills AONB.
- 1.0.5. We have also prepared a Landscape Masterplan, and phasing plan along with detailed planting plans for the phase 1 infrastructure planting along the Western and Southern boundaries and a snapshot of the landscape proposals for a typical housing area.
- 1.0.6. As part of the review we have revisited the photographic survey to include winter views, these photographs were on 23rd February 2015.
- These proposals have enabled us to prepare detail phased photomontages for the scheme from viewpoints 4, 7, 10 and 11 over the following time periods 2, 5, 10 and 15 years using the winter photographs. These locations have been agreed with Ryedale District Council and the AONB.
- The methodology to take the winter photographs and produce the photomontages is as follows:
- 1.1. Technical Methodology**
- 1.1.1. The photography was undertaken on Monday 23 February 2015 using a Canon EOS 5D Mark II (Full Frame Sensor) camera, with a fixed 50mm lens (f/4). The camera was mounted on a Manfrotto 303 SPH panoramic tripod head, and levelled using a Kaidan Quick Tilt Leveller, supported by a Manfrotto Tripod. The camera was levelled using a spirit level. The camera was set with the centre of the lens 1.65m above ground level, which is equivalent to the eye level of an average man (standing 5'9"). From each photograph location a full 360 degree field of view was taken centred around a nodal point. The tripod head was set with increments of 20 degrees between photographs. Photographs were taken in landscape format. Viewpoints closer to the site boundary were also taken with a 35mm lens to ensure the ridge-lines of proposed buildings would be visible in the photographs.
- 1.1.2. The position of the camera was surveyed using a Zenith RTK GPS receiver, giving a high degree of accuracy. This can be as accurate as 20mm in eastings, northings, height, although the presence of trees around the survey equipment is likely to reduce this accuracy to closer to 30cm accuracy
- 1.1.3. Jan Maciag Architects supplied a scaled SketchUp 3D model in *.obj format. This model was re-scaled and geo-referenced using common points within the site. A surface mesh was generated using spot height data supplied by a site survey (undertaken in March 2015) by Silkstone Environmental. A point cloud generated from Ordnance Survey Terrain 5 data was converted into a surface mesh across the surrounding areas to illustrate a wider topographic setting of the proposed development. Two software packages were used to verify height data in the 3D model. This included ridge height information for adjacent dwellings supplied by Silkstone Environmental.
- 1.1.4. The Landscape Masterplan was added to the model to illustrate the potential effectiveness of planting at different stages in the project construction. Four stages were identified to illustrate the effectiveness at years 2, 5, 10 and 15.
- 1.1.5. The following table illustrates the anticipated growth rates of tree planting at the site:
- 1.1.6. Table 1:
- | | Heavy Standard Trees | Whips/ Transplants |
|---------|----------------------|--------------------|
| Year 2 | 3.5m | 1-1.5m |
| Year 5 | 5m | 5m |
| Year 10 | 8m | 8m |
| Year 15 | 10m | 10m |
- 1.1.7. The resultant 3D model illustrates the indicative architectural and landscape elements at the above heights and identified in the masterplan.
- 1.1.8. The camera locations used for the photography were re-constructed within the 3D model. Target points identified on site were inserted in the 3D model to ensure the modelling is geometrically correctly set up.
- 1.1.9. The individual frames were cylindrically distorted using PTGUI and Adobe PhotoSHOP CC. This allowed a full 360 degree panorama to be constructed from each viewpoint. From this 360 degree view a 90 degree portion directed towards the site was extracted and used as the basis of the visualisations.
- 1.1.10. Model renders were exported from the 3D model and used to overlay the photography, using common target points between the photograph and the 3D model. A cylindrical projection setting for the cameras was used in the computer software to replicate the cylindrical projection gathered from the photography.
- 1.1.11. The work has followed a clear and robust methodology to ensure scale, massing and positioning of the proposed development was as accurate as possible. Fully rendered photomontages were not produced as the approach followed was considered robust for understanding and communicating the landscape and visual impacts of a development of this scale and massing in this location would be.
- 1.1.12. The work was carried out by Michael Spence a Chartered Landscape Architect and Registered EIA Practitioner who is a Technical Advisor to the Landscape Institute on Photography and Photomontages in Landscape and Visual Impact Assessment. Michael has been carrying out this kind of work for over 20 years and his work has been used at Public Inquiry.
- 1.1.13. The work fully complies with the Landscape Institute's Advice Note 01/11: Photography and Photomontages in Landscape and Visual Assessment.

2. Methodology

2.1. GENERAL

- 2.1.1. The landscape and visual impact assessment considers two types of impact: direct effects on the landscape resources and indirect effects on public perceptions of landscape, in terms of change to landscape character or as a result of visual impacts.
- 2.1.2. The assessment of direct effects on the physical landscape (resources) considers:
 - The nature and extent of the landscape changes likely to occur and options for mitigating adverse effects if necessary.
 - The effect on any national, regional or local designation.
- 2.1.3. The assessment of visual impact and public perceptions of the landscape considers:
 - The visual envelope, to identify the location of publicly accessible points from where the development proposals can be seen and to establish the extent and nature of visibility that occurs at each location;
 - The identification of those who would perceive the changes, including residents and visitors to the area;
 - Visual characteristics of the proposed development in relation to its surroundings;
 - The magnitude and significance of the perceived changes in respect of landscape character and quality.
- 2.1.4. A study area has been identified to focus baseline and impact assessments. The study area has been defined by taking into account the size of the site, the complexity of the surrounding landscape character and the range within which the proposed development may affect visual amenity.
- 2.1.5. The methodology used to undertake the landscape and visual assessment (outlined below) is based upon the guidance contained within the following documents:
 - Guidelines for Landscape and Visual Impact Assessment (2013) (The Landscape Institute, Institute of Environmental Management & Assessment, Spon Press)
 - Landscape Character Assessment: Guidance for England and Scotland (2002) (The Countryside Agency and Scottish Natural Heritage)

2.2. SOURCES OF INFORMATION AND CONSULTATION

- 2.2.1. Sources of information were as follows:
 - Ordnance Survey maps at 1:25,000 and 1:10,000
 - Natural England National Character Areas
 - The Howardian Hills Landscape Assessment Countryside Commission 1995
 - Howardian Hills Area of Outstanding Natural Beauty Management Plan 2014-2019
 - North Yorkshire and York Landscape Characterisation Project 2011

2.3. DETERMINING THE BASELINE – THE APPROACH

Landscape Character Assessment

- 2.3.1. This considers the influence of the combination of geology, land use, land cover, landform, and the presence of landscape elements and features (including ecological and historical). It also takes into account more subjective responses affecting a person in the environment, such as scenic quality or measure of tranquillity, in order to develop a description of the existing character of the site and the surrounding landscape. This assessment has allowed differing zones of local landscape character to be identified within the study area.
- 2.3.2. Areas of Landscape Character were identified for the purpose of assessment, based on fieldwork and desktop study.
- 2.3.3. A strategic context to the assessment is provided by a review of national, district and local landscape character assessments that have been undertaken by other parties and the review of relevant planning/landscape policies outlined in this chapter.
- 2.3.4. The value of the landscape character areas is qualified as set out in the table below:

Table 1: Value of Landscape Character Areas

Value	Criteria	Typical Scale
Exceptional	High quality and rarity. No or limited potential for substitution	International, National
High	High quality and rarity. Limited potential for substitution.	National, Regional, Local
Medium	Medium quality and rarity. Limited potential for substitution.	Regional, Local
Low	Low quality and rarity.	Local

Source: Guidelines for Landscape and Visual Impact Assessment (2002)

- 2.3.5. The sensitivity of each local character area is categorised by reference to the sensitivity of the landscape and the viewer to change:
 - Sensitive to potential change
 - Tolerant of potential change
 - Insensitive to potential change

Visual Assessment

The Zone of Visual Influence (ZVI)

- 2.3.6. The zone of visual influence (ZVI) for the application site was identified on the basis of natural landform, only using the contours displayed on a 1:25,000 Ordnance Survey map. This desktop study highlighted areas where the site should be visible from; however, intervening vegetation and built form often restrict visibility within the ZVI.
- 2.3.7. Fieldwork studies were then undertaken to establish the extent of available views towards the development proposals within the ZVI from which a Visual Envelope Map (VEM) was produced, illustrating the extent of views to and from the development.
- 2.3.8. The relative importance or degree of influence that development proposals have on the view will be assessed in relation to the wider landscape, using the following criteria:

Major

The site/development is viewed as being the dominant visual element in the landscape when considering the view towards it.

Moderate

The site/development is viewed as being an important visual element in the landscape when considering the view towards it.

Minor

The site/development is viewed as being one of a number of components that make up a view, but not a dominant feature in the landscape when considering the view towards it.

- 2.3.9. The views are further classified as to whether or not they are filtered, that is whether there is a degree of intervening vegetation or other obstruction.

Representative Receptor Viewpoints and Receptor Groups

- 2.3.10. The main receptor groups were identified as:
 - Homeowners
 - Motorists
 - Pedestrians
- 2.3.11. Each of the groups of receptors differ in terms of sensitivity. For example, motorists have less sensitivity to change in the landscape as they are transient receptors and the impact upon them is therefore small. Residential receptors, however, have more sensitivity to change in their landscape as they are static and any change would be constant.
- 2.3.12. The extent and nature of the existing views are described by reference to the following matters and illustrated by annotated photographs.
 - Composition of view
 - Character and features
 - Visual amenity and quality
 - Nature of the receptor
 - Influence of site (major/moderate/minor, as described above)
 - Distance
 - Elevation
 - Full or partial
 - Seasonal variations
 - Extent: The extent of the view and proportion of the development which is visible is categorised below:

Full: Greater than 75% of the site is visible
Partial: Greater than 25 - 75% of the site is visible
Restricted: Less than 25% of the site is visible

- The extent of view of the development proposals is classified on the percentage of the ground plane (or any lodges located on the ground plane) or landscaping which is visible from the viewpoints.
- Distance : The distance of the views towards the application and development is categorised below:
Short distance: Less than 0.25 Km
Medium distance: 0.25 – 0.50 Km
Long distance: Greater than 0.50 Km

2.3.13. Photographs are used in this document with the intention of representing the human eye as accurately as possible. Therefore they were taken in accordance with Advice Note 01/11, *Photography and photomontage in landscape and visual impact assessment* produced by the Landscape Institute, with a fixed focal length of 35mm on a digital SLR camera (model Nikon D90) summer photographs by Andrew Davis Partnership LLP and winter photographs by Mike Spence on a Canon EOS 5D Mark II Full Fram Sensor.

2.4. DETERMINING THE PREDICTED IMPACTS : THE APPROACH

2.4.1. The impact assessment draws on the baseline study to consider the range of likely impacts arising from the development, in both its construction and operation.

2.4.2. The nature of the change is considered, taking into account whether there is a change of use, the land form or cover, whether elements or features are lost, modified, enhanced or introduced or, in terms of the character assessment, whether the more subjective matters highlighted above are influenced by the proposed development. The assessment of the proposal takes account of the primary and secondary landscape mitigation measures.

2.4.3. The landscape and visual impact assessment takes into account the likely construction and operational impacts.

2.4.4. All primary mitigation measures will be introduced as part of the construction phase.

2.4.5. The operation assessment focuses, therefore, upon the likely impacts in the years ahead.

Assessment of Visual Impact

2.4.6. The visual impact of the proposed development upon the existing visual amenity in the area has been assessed by first taking into account the existing views and what sections of the assessment site can be viewed from these.

Impact Assessment Summary Sheets

2.4.7. Impact assessment sheets have been prepared to assist the process and facilitate clear and logical presentation of the key issues and findings, but also to allow ease of comparison.

2.4.8. Grading of the scale of the impact is based on the detailed information available regarding the nature of the proposed development, the scale, duration and permanence of the change and the size of the resource/area affected (source: Guidelines for Landscape and Visual Impact Assessment 2002). The following criteria area used:

Nature
 Adverse (A): Negative impact
 Neutral (N): No impact
 Beneficial (B): Positive impact

Magnitude
 Assessment is based on the scale of change, especially in terms of the actual degree of change within the view, the level of contrast or integration of the new element and the size of area affected.

Table 2: Magnitude Assessment Criteria

Significance	Criteria
High	Total loss of, or major alteration to, key elements/features/ characteristics of the baseline resource/landscape/view and/ or introduction of elements considered to be totally uncharacteristic when set within the attributes of the receiving landscape.

Significance	Criteria
Medium	Partial loss of, or alteration to, one or more key elements/features/ characteristics of the baseline resource/landscape/view and/ or introduction of elements that may be prominent but may not necessarily be considered to be substantially uncharacteristic when set within the attributes of the receiving landscape.
Low	Minor loss or alteration to one or more key elements/features/ characteristics of the baseline resource/landscape/view and/ or introduction of elements that may not be characteristic when set within the attributes of the receiving landscape.
Very Low	Barely perceptible loss or alteration to one or more key elements/ features/characteristics of the baseline resource/landscape/view and/ or introduction of elements that are not uncharacteristic with the surrounding landscape, approximating the 'no change' situation.

Permanence
 Permanent / Irreversible (P/I)
 Temporary / Reversible (T/R)

A final assessment of the overall significance of the impact that the development proposals might have upon the specific resource/character area/view can then be made. The assessment is based upon both the relative value and sensitivity of the landscape resource, character or view and the scale of the predicted effect that the development would have on it. The impact is graded **major, moderate, minor** or **negligible**. As the final judgement is subjective, the final rating was agreed by two independent surveyors to maintain a level of consistency throughout the whole assessment.

Overall Assessment Criteria

2.4.9. The allocation of an overall impact, balancing the potential adverse and beneficial impacts, was defined using the seven-point scale in the summary in order to provide a conclusion of

the overall acceptability of the scheme in the context of the existing environment.

Table 3: Significance of Impact Assessment Criteria

Significance	Criteria
Major Adverse	Major adverse effects would be important considerations at national level. Mitigation measures may not be wholly successful by virtue of the magnitude of the predicted impacts.
Moderate Adverse	Moderate adverse effects would be important at district level, but would not represent key factors in the decision making process. Mitigation measures and/or detailed design work may ameliorate some of the consequences of adverse effects at this scale.
Slight Adverse	Minor adverse effects are those which are relevant in the local context, yet can generally be reduced, removed or even reversed by appropriate mitigation.
Negligible	Effects are assigned this level of significance if they are nil, imperceptible, negligible or within margins of forecasting error when compared to the existing situation.
Slight Benefit	Minor benefits are those which are experienced at a local level. They may arise from the implementation of locally successful mitigation measures.
Moderate Benefit	Moderate benefits are those which are important considerations at district level.
Major Benefit	Major benefits would be experienced at national level and would be directly or indirectly attributable to the proposals.

3. Application Site Proposals

This section of the report should be read in conjunction with Plans 1-7

3.1. SITE DESCRIPTION AND BASELINE STUDY

- 3.1.1. The application site consists of 5 existing fields dissected by hedgerow with the existing veterinary practice in the north east corner with some smaller paddocks. The northern boundary is defined by hedgerows on Middlecave Road and a public right of way ref 25.60/45/1. There are glimpsed views towards the North York Moor.
- 3.1.2. The eastern boundary consists of hedgerows and tree belts associated with the housing area.
- 3.1.3. The southern boundary is defined by intermittent hedgerows and Castle Howard Road with long distant views towards The Wolds.
- 3.1.4. The western boundary is defined by existing hedgerows associated with the A64 trunk road, which at this point is in a cutting with views towards the Howardian Hills AONB.
- Landscape Resource Baseline Conditions**
- 3.1.5. The principal landscape type is arable farmland as the majority of the site is cereal crop which represents the majority of the fields within the area. There is a large track of land on the eastern boundary which is managed grassland with the veterinary practice with some small paddock on the northern boundary.
- 3.1.6. The principal asset of the application site are the established managed hedgerows on all sides and internally, which are predominantly hawthorn 1.2m high punctuated with mature hedgerow trees. These hedgerows have been identified as having minimal ecological value in the Ecological Appraisal Report prepared by Bowland Ecology.
- 3.1.7. The retention of the internal hedgerows would be unrealistic given the scope of the development. The important boundary hedgerows will be retained as part of the application site and all the trees covered by Tree Preservation Orders (TPO).

Northern Boundary

- 3.1.8. The northern boundary is defined by hedgerows, farm field gates and the veterinary practice. Behind the hedgerow there is managed grassland, paddocks and the garden to the veterinary practice.

Eastern Boundary

- 3.1.9. The eastern boundary is defined by hedgerows with hedgerow trees which back onto the existing housing area. The land beyond the hedgerow is managed grassland and the avenue of trees leading to the property known as The Uplands.

Southern Boundary

- 3.1.10. The southern boundary is an established hedgerow with hedgerow trees along Castle Howard Road.

Western Boundary

- 3.1.11. The western boundary is existing hedgerows and tree belts that define boundary with the A64 trunk road.

Site Context

- 3.1.12. Plan No 1 illustrates the immediate environs of the application site which is to the north playing fields of Malton School, to the east existing housing development, to the south arable farmland and to the west the A64 trunk road in a cutting with arable farmland beyond.
- 3.1.13. Plan 2 illustrates that the site is located between the 40-60 metre contour above the valley floor to the north and east.
- 3.1.14. The site essentially occupies the flatter part of the area on or about the 60 meter contour.

Site Planning

- 3.1.15. The principal building blocks of the application site have been carefully considered to work with the existing topography and site constraints. The housing areas have been located away from the boundaries of the site thus allowing a substantial landscape buffer to be established.

- 3.1.16. The developments of the application site are well located and are set within extensive landscape infrastructure.

3.2. KEY LANDSCAPE DESIGN ELEMENTS

- 3.2.1. There are five different types of landscape treatment that have been identified as part of the Indicative Landscape Masterplan Plan 3 W1894 MP01 Rev G
- Perimeter Infrastructure Planting
 - Secondary Infrastructure Planting
 - Open Amenity Space
 - Amenity Planting and Courtyard
 - Central Courtyard
- 3.2.2. Perimeter Infrastructure planting will form strong buffer zones to the southern and western boundaries of the application site. Comprising of native advanced stock, feathered trees with understorey planting, this should create a substantial landscape belt to the most sensitive parameters of the site in relation to the A64 trunk road AONB and Castle Howard Road. This planting will be carried out in the first planting season after planning permission has been granted. This can be seen on detail plan W1894/MP03 Rev A, drawings 1-3.
- 3.2.3. These proposals implement many of the recommendations within the various character studies as set out in Section 6.4
- 3.2.4. Secondary Road Infrastructure planting is proposed to create a bold linear framework throughout the spine of the development, predominantly with native avenue trees and a structure shrub understorey, lining the main access routes within the development.
- 3.2.5. Open amenity space will be created between the housing areas running north to south along the eastern edge. This will consist of native avenue trees lining the access roads.
- 3.2.6. Amenity planting will be implemented to enhance areas within the development and comprise of advanced stock ornamental trees and a wide variety of shrubs to provide colour and seasonal interest.
- 3.2.7. Central Courtyard planting will comprise of ornamental trees to create a secluded and tranquil village centre atmosphere.

- 3.2.8. Planting within the proposed residential area will comprise low maintenance amenity shrubs, specimens and small stock ornamental trees suitable for a semi-urban environment. There is opportunity to create a strong landscape infrastructure with habitat creation and open space to the heart of this area, through the planting of species favourable with insects and birds. This can be seen on drawing W1894/MP02 sheets 1 - 2.

3.3. MAINTENANCE/AFTERCARE

- 3.3.1. The proposed planting will be detailed in close consultation with the local authority and upon implementation, will be subject to 12 month maintenance and a defects liability period and there is a willingness to draft and agree a 5 year landscape management plan as part of the development proposals.

3.4. SUMMARY

- 3.4.1. In summary the principal landscape resources and TPO trees and existing vegetation which forms the boundaries to the application site for its role in the fabric of the wider landscape and this must be protected and enhanced as part of the development and integrated with adjacent vegetation and the surrounding environment.

4. Landscape Character

This section of the report should be read in conjunction with Plans 5, 6 and 7

4.1. NATIONAL CHARACTER AREA PROFILE

- 4.1.1. The application site lies within Natural England Character Area 29 Howardian Hills to the north, the Character Area 26 Vale of Pickering to the east, Character Area 27 Yorkshire Wolds and the Howardian Hills are described as follows:

The Howardian Hills are physically distinct and to some extent, separated from neighbouring areas: their Jurassic limestone and sandstones are relatively resistant to erosion compared with the marls, shale's and clays of the surrounding vales. Nonetheless, the hills are linked, both visually and physically, by their pattern of rivers and watercourses. The majority of watercourses that rise in the hills of this NCA drain in a broadly eastward direction, into the River Derwent: some joining further upstream, with the River Rye, while others meet the Derwent further south in the Vale of York NCA. The River Derwent rises in the Vale of Pickering, flowing down through Kirkham Gorge and through the Howardian Hills before flowing southwards into the Vale of York NCA, and from there towards the Humber estuary. The Derwent is the only major watercourse in the NCA. In the north of the area there is also a small stretch of the River Rye (a tributary of the Derwent).

- 4.1.2. There are strong visual links to and from this NCA across the lower-lying land of the Vale of Pickering to the east and the Vale of York to the west, and northwards to the elevated land mass of the North York Moors.
- 4.1.3. The only significant transport corridor within the Howardian Hills NCA, and linking it with surrounding areas, is the A64 in the south-east. Otherwise, this very rural NCA is served by a network of minor roads, and is characterised by the very high levels of tranquillity and low levels of intrusion.

4.2. HOWARDIAN HILLS AONB

- 4.2.1. The Howardian Hills AONB lying to the west of the site is described as:

Lying between the Vale of Pickering and the Vale of York, the Howardian Hills AONB forms a clearly defined geographical area of well-wooded rolling countryside (see Figure 1). In the North West the AONB abuts the North York Moors National Park; in the east, along the Derwent Valley, it extends to the rising ground of the Yorkshire Wolds. Roughly rectangular in shape and up to 16 miles (25km) long by 6 miles (10km) wide, it covers 79 square miles (204 sqkm.). Section 2.3 (A Rich Heritage) describes the landscape and its characteristic features in more detail.

Administratively, the AONB falls within the County of North Yorkshire and is divided between the Districts of Ryedale and Hambleton. Containing all or part of 44 Parishes, which are administered by 29 Parish Councils or Meetings, the designated area has a population of approximately 6,100 people. A further 3,200 live in villages just outside the designated boundary (1).

- 4.2.2. Within the AONB there are further landscape types and the character adjacent to the site within the AONB is North Ridge which is described as follows:

North ridge

This area extends from Gilling East towards the outskirts of Malton, and takes the form of a long narrow ridge of oolitic limestone, over 100 m in height. The underlying rock strata dip to the north producing a convex slope which rises gently from the Vale of Pickering and terminates abruptly in a steep south-facing escarpment. However, in the west the ridge is broken by a series of steep-sided river valleys and between Gilling East and Hovingham the scarp faces to the north.

The topography produces distinct variation in landscape character. The uniformly gentle dip slope has rich, well-drained soils with the best quality agricultural land in the AONB. Large arable fields are divided by low, often gappy hedges with relatively few hedgerow trees and virtually no woodland, giving the landscape a distinctively open, exposed character and affording panoramic views over the Vale of Pickering. This homogeneous character begins

to break down around Hovingham where the dip slope contracts to form a broad-topped hill, and the open arable farmland is mixed with the amenity planting and parkland associated with Hovingham Hall. This area forms a transition to the more heavily wooded slopes to the west. In strong contrast with most of the dip slope, the steep southern escarpment face is heavily wooded along nearly its entire length, forming one of the most attractive landscape features of the AONB. The woodland is almost entirely ancient in origin but the majority has been replanted, mostly with conifers, to the detriment of its landscape and wildlife value.

Settlement is concentrated in the prominent line of villages which lie along the edge of the Vale of Pickering immediately outside the boundary of the AONB. Numerous ancient track ways, often with wide verges and sunken below the surrounding landscape are an attractive feature of this area, and the ridge-line road in the east offers impressive views over the Castle Howard basin. The limestone quarries to the east of the Hovingham are intrusive features in longer distance views into this area.

4.3. NORTH YORKSHIRE AND YORK LANDSCAPE CHARACTERISATION PROJECT 2011

- 4.3.1. The proposed application site comes within the Character Area 5 Limestone Ridge and is characterised as follows:

- Prominent ridge which facilitates dramatic panoramic views over the Castle Howard basin;
- Several County Houses with associated designed parkland settings;
- Pockets of semi-natural ancient woodland on steep escarpments and mature parkland trees are key landscape features;
- Historic settlement pattern with spring-line villages located at the foot of the hills;
- Strong historic character within villages, linear form with wide grass verges and widespread use of vernacular materials;
- Network of minor roads which closely follow topography.

4.4. THE LANDSCAPE CHARACTER ASSESSMENT OF NORTHERN RYEDALE, GILLESPIE, 1999

- 4.4.1. The proposed application site falls within The Vale of Pickering Local Landscape type 1 Area Wooded Open Vale and its key characteristics are:

- Flat low lying terrain
- Open countryside
- Long views punctuated by geometric woodland blocks

4.5. SPECIAL QUALITIES STUDY OF RYEDALE'S MARKET TOWNS, JULY 2010

- 4.5.1. This study considers the following:

- Landscape Character
- Biodiversity
- The historic and archaeological landscape
- Existing Settlement Pattern
- The current green infrastructure

- 4.5.2. This site is identified in this report as MNH1 a Residential Broad Location.

4.6. SUMMARY

- 4.6.1. The development will seek to fulfil the opportunities described in the above documents through the implementation of new green infrastructure as part of the proposals with the intention of preserving, conserving and enhancing the landscape character in and around the application site.

- 4.6.2. Access to the application site will utilise the existing Castle Howard Road and Middlecave Road and proposals will provide opportunities for screening to limit the impact of both the road and the proposed development. Well managed existing, native hedgerows to the front of the site will be conserved and enhanced as part of the proposals.

<p>5. Visual Survey</p> <p>Baseline Assessments</p> <p><i>This section of the report should be read in conjunction with Plan 8 and Plates 1-15</i></p> <p>5.1. INTRODUCTION</p> <p>5.1.1. The application site is located on fairly level ground on or about the 60 metre contour.</p> <p>5.1.2. The topography of the application site and surrounding area is illustrated on Plan 2 and clearly shows how the site sits within a wider relatively level area with rising ground towards the west.</p> <p>5.1.3. The topography of the area plays an important role in controlling views to and from the site as the extent of the visual envelope on Plan 7 illustrates.</p> <p>5.1.4. The visual envelope on Plan 8 illustrates there are a number of publicly accessible areas with views into the site.</p> <p>5.1.5. The principal views into the site are from the north west and south and the existing vegetation controls views towards the site from the north west and south while housing development controls views in from the east.</p> <p>5.2. VIEWS FROM WITHIN THE APPLICATION</p> <p>5.2.1. The views from within the site are illustrated on Plan 8 and Plate 1.</p> <p>5.2.2. Viewpoint A: view looking north west to north east from the high point of the site with views towards the house known as The Upland and long distance views towards the North York Moors.</p> <p>5.2.3. Viewpoint B: looking south east to south west towards the southern boundary and Castle Howard Road with the Yorkshire Wolds in the long distance.</p> <p>5.3. VIEWS TOWARDS THE SITE</p> <p>5.3.1. There are a number of representative views towards the site by various receptors and these are summarised below, before each view point is reviewed in more detail.</p>	<p>Homeowners</p> <p>5.3.2. There are glimpsed views into the eastern part of the site from the upper floors of houses that back onto the site.</p> <p>5.3.3. Whilst homeowners are a sensitive receptor the views available to them are limited to upper floors, bathroom or bedroom windows and are not key living areas. These views are also limited due to existing vegetation in the summer but more open in the winter.</p> <p>5.3.4. Views toward the application site from the veterinary practice and The Uplands are limited due to existing vegetation in the summer but more open in the winter.</p> <p>Motorists</p> <p>5.3.5. There are no views into the site from the A64 trunk road as it is in a cutting all along the western boundary.</p> <p>5.3.6. There are views of the site from Middlecave Road but this will be of predominately the central open space with proposed housing backing on to existing residential development.</p> <p>5.3.7. The other main views into the site are from Castle Howard Road, these will be viewed at speed and are predominantly of the southern part of the site.</p> <p>Pedestrians</p> <p>5.3.8. There are views into the site from a number of public rights of way to the north and west along with the footpath associated with Castle Howard Road. The majority are glimpsed views due to breaks in tree and hedgerow cover. However these views are experienced by a sensitive receptor travelling west to east and south and the potential impacts must be considered as part of the development proposals.</p> <p>5.4. VIEWPOINT 1</p> <p>5.4.1. This is a short distance open view into the eastern part of the site from this location in both winter and summer the principal components of this view are houses leading to Hawthorn House open grassland and the veterinary practice.</p> <p>5.4.2. The summer view from this location would</p>	<p>be predominantly towards the central open space of the development with tree lined road with views of new housing to the east and west.</p> <p>5.4.3. In winter there would be filtered views towards the housing with the proposed open space predominant.</p> <p>5.5. VIEWPOINT 2</p> <p>5.5.1. This is a short distance open view looking south and west into the western boundary of the site in both winter and summer. The principal components of the view are electricity pylons, roadside vegetation to the A64 trunk road and arable farmland.</p> <p>5.5.2. The summer view from this location would be of proposed housing to the east and phase 1 infrastructure landscaping along the western boundary, with an employment block beyond.</p> <p>5.5.3. In winter there will be filtered views of the development and phase 1 landscape infrastructure in the foreground and beyond.</p> <p>5.6. VIEWPOINT 3</p> <p>5.6.1. This in both winter and summer views is a restricted short distance view into the western boundary of the site from pedestrians travelling east.</p> <p>5.6.2. The principal components of the view are the A64 trunk road, the electricity pylons, arable farmland and existing roadside vegetation infrastructure.</p> <p>5.6.3. The summer view from this location would be predominantly phase 1 infrastructure planting with employment units and proposed housing beyond.</p> <p>5.6.4. In winter the views will be filtered views towards phase 1 infrastructure landscaping with the new housing and the employment units beyond.</p> <p>5.7. VIEWPOINT 4</p> <p>5.7.1. This is a short distance view into the western boundary of the site looking east over arable farmland.</p> <p>5.7.2. The principal summer view components are the electricity pylons, the house known as The Uplands and associated existing</p>	<p>vegetation and arable farmland. There are also momentary views of high sided vehicles and buses travelling along the A64 trunk road.</p> <p>The principal winter view components are the veterinary practice, the house known as The Uplands and rooftop views of existing properties along the eastern boundary of the site.</p> <p>5.7.3. The view from this location will be a filtered view of the proposed phase 1 infrastructure planting along the western boundary with housing beyond.</p> <p>5.7.4. In winter there will be filtered views to the development on the western boundary behind establishing phase 1 infrastructure planting</p> <p>5.8. VIEWPOINT 5</p> <p>5.8.1. This is a short distance view on the edge of the AONB, across open field towards the application site. The principal components of the summer view are the electricity pylons. The house known as The Uplands and roadside vegetation associated with the A64, once again you get momentary views of high sided vehicles and buses travelling along the A64 trunk road. The winter view is similar but with clearer views of existing properties along the Eastern boundary of the site.</p> <p>5.8.2. The summer view from this location would be of the roadside planting to the A64, the phase 1 infrastructure boundary planting with proposed housing beyond.</p> <p>5.8.3. In winter there would be filtered views toward the proposed housing behind establishing phase 1 infrastructure planting</p> <p>5.9. VIEWPOINT 6</p> <p>5.9.1. This is a short distance view on the edge of the AONB, across open field towards the application site. The principal components of the summer view to the view are the electricity pylons The house known as The Uplands and roadside vegetation with the pedestrian footbridge over the A64.</p> <p>5.9.2. The winter view is similar to the summer view with the exception that you also get views of the housing on the private road leading to Hawthorn House</p>
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- 5.9.3. The view from this location would be of the roadside planting to the A64, the phase 1 infrastructure landscaping to the western boundary with housing beyond.
- 5.9.4. In winter there would be filtered views toward the proposed housing behind Phase 1 infrastructure planting.
- 5.10. VIEWPOINT 7**
- 5.10.1. This is a medium distant view within the AONB looking east towards the site. The principal components of this view are A64 trunk road, electricity pylons, the house known as The Uplands and associated planting in the summer, but in the winter there are clear views of the upper floors and roofs of the properties along the Eastern boundary.
- 5.10.2. The view from this location would be predominantly of the phase 1 infrastructure planting with the proposed housing beyond, partially screened by off-site existing vegetation.
- 5.10.3. In winter the filtered views would be toward the proposed housing behind the phase 1 infrastructure planting.
- 5.11. VIEWPOINT 8**
- 5.11.1. This is a long distance filtered view within the AONB, of the site from the junction of Swinton Lane and Braygate Street. The principal components of the view are tree belts arable farmland in the summer. The winter view is of the western residential edge of Malton with The Wolds beyond.
- 5.11.2. The view from this location will be mitigated by distance but will be a glimpse view of the phase 1 infrastructure planting on the western boundary with housing beyond.
- 5.11.3. In winter the filtered view will be towards phase 1 infrastructure planting with housing beyond.
- 5.12. VIEWPOINT 9**
- 5.12.1. This is a medium distant glimpse view within the AONB from the junction of Braygate Street and the public right of way of Broughton Lane. The principal components of this view are hedgerows arable farmland with the Wolds beyond in the summer. In the winter you get clear views of the western residential edge of Malton.
- 5.12.2. The view from this location will be the phase 1 infrastructure planting along the western boundary with glimpse views of housing beyond.
- 5.12.3. In winter there will be a filtered view of the phase 1 infrastructure planting with the new development beyond.
- 5.13. VIEWPOINT 10**
- 5.13.1. This is a short distance view on the edge of the AONB into the site from a public right of way. The principle components of this view are the pylons, existing roadside planting to the A64, and there are views of high sided vehicles and buses along the A64 trunk road arable land with the application site and the major tree belt along the eastern boundary of the site in the summer. The winter view clearly opens up a view of the existing residential development of Malton along the eastern boundary of the site.
- 5.13.2. The view from this location would be a framed view of the proposed housing with phase 1 infrastructure planting in the foreground.
- 5.13.3. In winter there will be filtered views of the new development behind the established phase 1 infrastructure planting.
- 5.14. VIEWPOINT 11 and 11a**
- 5.14.1. This is a short distant view on the edge of the AONB into the site, the principle components of this view is the A64 trunk road, Castle Howard Road, existing roadside planting and arable land within the application site in the summer but the winter views open up the site to views of the existing residential developments on the eastern boundary of the site. On viewpoint 11a we have highlighted recent approved planning applications with their references and approval dates.
- 5.14.2. The view from this location would be a framed view of the proposed housing behind phase 1 with infrastructure planting.
- 5.14.3. In winter there will be filtered views of the new development behind the established phase 1 infrastructure landscaping.
- 5.15. VIEWPOINTS 12, 13 AND 14**
- 5.15.1. These are short distant views into the site from gaps in the hedgerows along Castle Howard Road.
- 5.15.2. The principle components of these views are the electricity pylons, arable farmland and hedgerows with long distance views of the North York Moors in the summer but the winter photographs open up clear views to the residential properties along the eastern boundary.
- 5.15.3. The views from this location would be predominantly new infrastructure planting with housing beyond.
- 5.15.4. In the winter these views would be filtered.
- 5.16. VISUAL SURVEY SUMMARY**
- 5.16.1. The majority of views into the site are short distant views from public rights of way, Middlecave Road and Castle Howard Road and four of these views are on the boundary of the AONB.
- 5.16.2. There are two medium distant views into the site and one long distance view which are all within the AONB.
- 5.16.3. There are no long distant views from any viewpoint on the North Yorkshire Moors or the Wolds as they are mitigated by distance and Malton. Long distant views from the A64 from the south and around High Hutton screened by landform and vegetation but you do get views of Malton and its church spire.
- 5.16.4. Clearly there is a difference between the summer view and winter views. In the summer the existing vegetation mitigates the impact of the existing residential properties on the eastern boundary but in winter there are clear views of these properties.

6. Impact Analysis

This section of the report should be read in conjunction with Plans 1-8 and Plates 1-15

6.1. Introduction

6.1.1. The potential impact of the application site proposals is assessed in terms of the landscape resource, landscape character and visual amenity. The principal focus of the impact assessment is visual amenity.

6.2. Landscape Resource

6.2.1. In terms of landscape resource there will be a net loss in the principal landscape type of arable land which will be replaced by buildings, hard-standing and infrastructure planting. The landscape resource is of low value import important only at local level and is adequately represented throughout, the area and therefore its loss is not significant.

6.2.2. The landscape resource of high value is the boundary vegetation which is important as a physical boundary in landscape pattern and for wildlife movement. All the boundary hedgerows will be retained and strengthened with native planting reinforcing their position in the landscape.

6.2.3. The internal clipped hedgerows with a few individual mature trees are available as a landscape resource for similar reasons but they are less species rich and with fewer trees than the boundary vegetation.

6.2.4. Overall there will be a loss of internal hedgerows and arable land replaced by development but this loss will be offset by a substantial increase in native planting of circa 3.7 hectares of trees and shrub planting and 1.4 hectares of open space and associated planting, which has amenity and wildlife benefits.

6.3. Landscape Character

6.3.1. The adopted Local Plan Strategy recognises the clear requirement for additional land allocations (beyond the development limits as defined) to provide at least 200 dwellings per annum across Ryedale (Policy SP2) of which 50% must be in Malton and Norton, as Principle Towns. Detailed policy guidance with regards to the pattern and distribution of site allocations is provided highlighting

the release of extension sites around the towns and within the A64 boundary at Malton. In terms of landscape character designation of the application site and adjacent AONB, the potential impact of has been taken into account and we have concluded there will be no significant harm.

6.3.2. All of the built development lies to the east of the A64 trunk road which is a dual carriageway which means that none of the AONB is affected by development.

6.3.3. The development of the application can be accommodated within the landscape pattern adjacent to existing housing areas with the Howardian Hills NCA29 and Character Area 5 Limestone Ridge of the North Yorkshire and York Landscape Characterisation Project.

6.3.4. The development will result in the loss of agricultural land and internal hedgerows but will represent a natural extension to the existing built development of housing that exists along the sites eastern boundary and is clearly visible in the winter months from the AONB.

6.3.5. The scope of the application site proposals will reinforce some of the key characteristics with the Howardian Hill NCA29, the Howardian Hill AONB and the North Yorkshire and York Landscape Characterisation Project which are:

Howardian Hills NCA29

- Creating, extending and linking woodlands and scrub (particularly on steeper slopes, in valleys and along stretches of watercourses), in keeping with local landscape character and avoiding wetlands and species-rich grasslands. This will strengthen the habitat network, increase infiltration rates to recharge the aquifer, and build the water-holding capacity of the land, thus regulating peak flows.

- Restoring hedgerows, hedgerow trees and in-field trees as characteristic features of this landscape.

- Managing existing woodland and expanding tree cover in appropriate locations to enhance biodiversity, protect soils and sequester carbon, as well as providing a source of timber and wood fuel. Seeking opportunities to develop alternative markets for timber.

- Seeking to screen existing development and future settlement-edge developments with woodland, to assimilate with the existing landscape character, and to reduce noise and light pollution, maintaining the area's high levels of tranquillity.

Howardian Hills AONB

- Maintain the contrast between the wooded scarp slope and open dip slope, reinforce the framework of hedges and encourage sensitive woodland management.

- Promote the retention, restoration and sympathetic management of hedges, particularly those in the most visible locations and those associated with the remnant strip fields systems near Swinton, Easthope, Barton-le-Street, Slingsby and Hovingham.

North Yorkshire and York Landscape Characteristics Project.

- Manage hedgerows to encourage them to thicken and re-plant if necessary.

- Extend and link woodlands, particularly on the steeper slopes.

- Manage woodland to enhance biodiversity and sequester carbon as well as providing a source of timber and wood fuel.

The Vale of Pickering Wooded Open Vale

- Maintain the existing proportion and distribution of woodland to open farmland.

- Avoid any further field enlargement or hedgerow removal.

- Protect, manage and replant all existing hedgerows.

- Locally restore and enhance wetlands in the area, so that they are more sympathetic to landscape and wildlife.

- Continue to maintain the attractive parkland landscapes around Scampston and Knapton Halls.

- Undertake a landscape assessment to identify opportunities for enhancing the A64 corridor.

Special Qualities Study of Ryedale Market Town

- The report has identified this site MNHI could be considered for some development but it will require careful consideration and mitigation to ensure that it does not create adverse impact on this skyline and the current attractive rural approach to the town.

6.3.6. In summary the application site proposals will result in a loss of arable land and internal hedgerows but this is not significant to the overall quality and the A64 forms a natural boundary and development limit to ensure the most sensitive and valuable areas remain open and undeveloped to the south and west.

6.4. SUMMARY

It is the intention as can be seen from our detail landscape proposals to implement many of the recommendations within the various character studies such as

Howardian Hills NCA29

- Restoring hedgerows, hedgerow trees and in-field trees as characteristic features of this landscape.

- Seeking to screen existing development and future settlement-edge developments with woodland, to assimilate with the existing landscape character, and to reduce noise and light pollution, maintaining the area's high levels of tranquillity.

Howardian Hills AONB

- Promote the retention, restoration and sympathetic management of hedges, particularly those in the most visible locations

North Yorkshire and York Landscape Characteristics Project.

- Manage hedgerows to encourage them to thicken and re-plant if necessary.

- Extend and link woodlands, particularly on the steeper slopes.

- Manage woodland to enhance biodiversity and sequester carbon as well as providing a source of timber and wood fuel.

<p>The Vale of Pickering Wooded Open Vale</p> <ul style="list-style-type: none"> • Protect, manage and replant all existing hedgerows. • Undertake a landscape assessment to identify opportunities for enhancing the A64 corridor 	<p>increased incrementally each year bedding the development into the site.</p>	<p>landscaping including advanced stock tree planting.</p>	<p>6.10. VIEWPOINT 5 AND 6</p>
<p>6.5. VISUAL AMENITY</p>	<p>6.6.4. Therefore on balance the overall significance of impact will be adverse but moderate.</p>	<p><i>Operational Effects</i></p>	<p>6.10.1. The nature of the impact is adverse but moderate in terms of magnitude as there are glimpsed views phases 6 -10 of the built elements of the application site because of existing vegetation and proposed phase 1 infrastructure planting along the western boundary.</p>
<p>6.5.1. In terms of visual amenity there are three principal receptor groups that will be affected as a result of development, pedestrians along public rights of way, motorists and homeowners.</p>	<p>6.7. VIEWPOINT 2</p> <p>6.7.1. The nature of the impact from this viewpoint is adverse but moderate in terms of magnitude as views will be towards development with infrastructure landscaping in the foreground.</p>	<p>6.8.3. In time once the application site proposals and in particular the landscape infrastructure has had a chance to establish the impact of the 'built' element of the scheme will be reduced as the planting height and mass increased incrementally each year bedding the development into site.</p>	<p><i>Construction Effects</i></p>
<p>6.5.2. There are views from properties in by the eastern boundary, these are restricted to upper storey bedrooms/bathroom windows and will be essentially to the proposed housing development within the application site. There will be no significant impact for this receptor group.</p>	<p><i>Construction Effects</i></p> <p>6.7.2. The implementation of the application site proposals in phases 5-13 will result in a changes in the view that will have an initially adverse impact on visual amenity but upon completion the impact will be reduced because development is taking place behind the establishing phase 1 infrastructure landscaping.</p>	<p>6.8.4. Therefore on balance the overall significance of impact will be adverse but minor.</p>	<p>6.10.2. The implementation of the application site proposals will be mitigated by existing vegetation and the phase 1 landscape infrastructure planting along the western boundary.</p>
<p>6.5.3. Therefore the visual impact assessment will focus on the three viewpoint groups and the construction effects in years 1 -12 and operation effects in years 5-15</p>	<p><i>Operational Effects</i></p> <p>6.7.3. In time once the application site proposals and in particular the landscape infrastructure has had a chance to establish the impact of the 'built' element of the scheme will be reduced as the planting height and mass increased incrementally each year bedding the development into site bearing in mind the planting will have been implemented well ahead of this development phase.</p>	<p>6.9. VIEWPOINT 4</p> <p>6.9.1. The nature of the impact from this location is adverse but moderate in terms of magnitude as views will be predominantly towards existing vegetation and proposed phase 1 infrastructure landscaping along with existing roadside vegetation with the later phases of development beyond.</p>	<p><i>Operational Effects</i></p> <p>6.10.3. The implementation of the application site proposals will result in a significant change in the view that will have an initially adverse impact on visual amenity but upon completion the impact will be reduced. However, as larger areas of the completed site will be on view short term adverse impacts will be reduced each year bedding the development into the site.</p>
<p>6.6. VIEWPOINT 1</p>	<p>6.7.4. Therefore on balance the overall significance of impact will be adverse but moderate.</p>	<p><i>Construction Effects</i></p> <p>6.9.2. The implementation of the application site proposals will result in some earth movements and construction that will have an initially adverse impact on visual amenity but upon completion the change in the view will be minimal as existing roadside vegetation is retained outside the site and reinforced by new phase 1 infrastructure landscaping including advanced stock tree planting.</p>	<p>6.10.4. Therefore on balance the overall significance of impact will be adverse but minor.</p>
<p>6.6.1. The nature of the impact from this location is adverse but low in terms of magnitude as views will be predominantly towards existing and proposed open space with existing and proposed vegetation giving glimpsed view to built development.</p>	<p>6.8. VIEWPOINT 3</p> <p>6.8.1. The nature of the impact from this location is adverse but very low in terms of magnitude as views will be predominantly towards existing and proposed phase 1 vegetation with glimpsed views to the later phases of 'built' element of the development.</p>	<p><i>Operational Effects</i></p> <p>6.9.3. The implementation of the application site proposals will result in a significant change in the view that will have an initially adverse impact on visual amenity but upon completion the impact will be reduced. As later phases of development are completed there will be short term adverse impacts reducing each year as the phase 1 infrastructure landscaping establishes.</p>	<p>6.11. VIEWPOINT 7</p> <p>6.11.1. The nature of the impact of this location is adverse but low in terms of magnitude because of distance and the intervening vegetation.</p>
<p><i>Construction Effects</i></p>	<p><i>Construction Effects</i></p> <p>6.8.2. The implementation of the application site proposals will result in some earth movements and construction that will have an initially adverse impact on visual amenity but upon completion the change in the view will be minimal as existing roadside vegetation is retained outside the site and reinforced by new phase 1 infrastructure</p>	<p>6.9.4. Therefore on balance the overall significance of impact will be adverse but minor.</p>	<p><i>Construction Effects</i></p> <p>6.11.2. The implementation of the application site will result in current visible areas being in phases 6 -12 behind an established phase 1 infrastructure landscaping developed and will have an adverse effect on visual amenity but on completion this will be less apparent with the existing vegetation and the infrastructure landscape.</p>
<p>6.6.2. The implementation of the application site proposals in phases 3 and 5 will result in some earth movements and construction that will have an initially adverse impact on visual amenity but upon completion the change in the view will be minimal as existing vegetation is retained the site and reinforced by new infrastructure landscaping including advanced stock tree planting.</p>	<p><i>Operational Effects</i></p>	<p><i>Operational Effects</i></p>	<p><i>Operational Effects</i></p>
<p>6.6.3. In time once the application site proposals and in particular the landscape infrastructure has had a chance to establish the impact of the 'built' element of the scheme will be reduced as the planting height and mass</p>	<p>6.11.3. In time once the application site proposals and in particular the landscape infrastructure has had a chance to establish the impact of the 'built' element of the scheme will be reduced as the planting height and mass</p>		

- increased incrementally each year bedding the development into site.
- 6.11.4. Therefore on balance the overall significance of impact will be adverse but **moderate**.
- 6.12. VIEWPOINT 8 AND 9**
- 6.12.1. The nature of the impact from these locations will be adverse but very low in terms of magnitude as they are medium and long distant views with intervening vegetation in the foreground.
- Construction Effects*
- 6.12.2. The implementation of the application site proposals will result in some earth movements and construction that will have an initially adverse impact on visual amenity but upon completion the change in the view will be minimal as existing roadside vegetation is retained outside the site and reinforced by new infrastructure phase 1 landscaping including advanced stock tree planting.
- Operational Effects*
- 6.12.3. In time once the application site proposals and in particular the landscape infrastructure has had a chance to establish the 'built' element will be integrated into the fabric of the landscape from this distance.
- 6.12.4. Therefore on balance the overall significance of impact is **neutral**.
- 6.13. VIEWPOINT 10**
- 6.13.1. The nature of the impact from this location will be adverse and high in terms of magnitude as the views are predominantly toward the proposed development phases 6 - 12 and phase 1 infrastructure landscaping which will be establishing well ahead of the development phases in the foreground
- Construction Effects*
- 6.13.2. The implementation of the application site proposals will result in the field being developed and hence these will be an initially adverse impact on visual amenity but on completion this will be less apparent with the establishment of the infrastructure landscaping.
- 6.13.3. The site planting and advance planting along the western boundary will assist in reducing the initially adverse impact.
- Operational Effects*
- 6.13.4. In time once the application site proposals and in particular the landscape infrastructure has established the impact of the 'built' element of the scheme will be reduced as the planting height and mass increased incrementally each year bedding the development into surrounding landscape.
- 6.13.5. Therefore on balance the overall significance of the impact will be **moderate**.
- 6.14. VIEWPOINTS 11-14**
- 6.14.1. The nature of the impact from these locations will be adverse and high in terms of magnitude as the views are predominantly towards proposed phases 2, 4, 11 and 12 with proposed phase 1 infrastructure landscaping in the foreground.
- Construction Effects*
- 6.14.2. The implementation of the application site proposals will result in the field being developed and hence these will be an initially adverse impact on visual amenity but on completion this will be less apparent with the establishment of the infrastructure landscaping. However, as these areas include phases 2 and 4 of development, the initial immaturity in the first 3 years means the benefits will not be realised.
- 6.14.3. The site planting and phase 1 infrastructure planting along Great Howard Road will assist in reducing the initially adverse impact.
- Operational Effects*
- 6.14.4. In time once the application site proposals and in particular the landscape infrastructure has had a chance to establish the impact of the 'built' element of the scheme will be reduced as the planting height and mass increased incrementally each year bedding the development into the surrounding landscape.
- 6.14.5. Therefore on balance the overall significance of impact will be **moderate**.
- 6.15. SUMMARY**
- 6.15.1. In summary there are predominantly adverse impacts on visual amenity during the construction phase due to the scale of the development and proximity of the receptor groups. However, the residual impacts have been significantly reduced by careful site planning and the incorporation that will result in only **minor adverse** impacts on visual amenity during and beyond the operational phase as the substantial landscape infrastructure absorbs the development into the landscape.
- 6.15.2. It is also important to note that the phase 1 infrastructure landscape will go along way to mitigating the later phases of the development in particular from viewpoints within and on the boundaries of the AONB.

7. Mitigation Measures

7.1. PRIMARY MITIGATION MEASURES

- 7.1.1. The baseline studies and the predicted impact assessments have identified the following primary mitigation measures which have been incorporated into the landscape masterplan, which is consistent with the iterative approach.
- 7.1.2. Retention and enhancement of all existing boundary tree belts and hedgerows.
- 7.1.3. Incorporation of significant areas of internal infrastructure landscape to integrate 'built' element into the valley side.
- 7.1.4. Implementation of phase 1 infrastructure landscaping to the western and southern boundary to include advance stock trees in particular adjacent to the A64 and spine roads.
- 7.1.5. Implementation of feathered trees within native structure planting areas to create a naturalistic appearance in the short term but to maximise the chances of successful establishment in the operational phase.
- 7.1.6. The proposed quality and mix of architectural elements create a mosaic of built-form with landscaping rather than one homogeneous mass.

7.2. SECONDARY MITIGATION MEASURES

- 7.2.1. A secondary mitigation measure is a willingness to agree the scope of a landscape management plan, to ensure the longevity of the existing and proposed landscape infrastructure and maintain landscape quality (see Appendix).

8. Overall Impact Assessment

8.1. INTRODUCTION

- 8.1.1. The proposed development will inevitably create some initial adverse impacts associated with the construction process and change in land use. However, these will be mitigated by sensitive site planning, advanced planting and extensive areas of landscape infrastructure associated with the scheme.
- 8.1.2. In terms of the landscape resource, the principal assets of boundary trees and hedgerows will be retained and reinforced and there will be a net 3.7 hectares tree and shrub planting associated amenity and biodiversity benefits and 1.4 hectares of open and associated planting.
- 8.1.3. In terms of landscape character the key type areas identified in the Character Assessment will be retained and reinforced in the medium to long term as the landscape infrastructure establishes.
- 8.1.4. In terms of visual amenity there will be some minor adverse residual effects in the first three years but these will be substantially mitigated in years 3-5 and are ameliorated in the first three years by the advanced planting along the A64 boundary and by careful site planning retaining existing skyline views.
- 8.1.5. The photomontage locations have been chosen because they are important views from two locations on the edge of the AONB and two from within the AONB and one from a footpath leading to the AONB.
- 8.1.6. The photomontages show the phased development being implemented behind the phase 1 infrastructure landscaping planting after years 2, 5, 10 and 15.
- 8.1.7. The photomontage viewpoints of 4, 7, 10 and 11 have been chosen with the agreement of Ryedale District Council and the AONB.









8.2. SUMMARY

- 8.2.1. Therefore bearing the above in mind, the overall significance if impact of the development as a whole in relation to table No 2 in Chapter 2 is adverse and **moderate** reducing to **minor** in years 3 – 5.

SITE CONTEXT

PLAN I



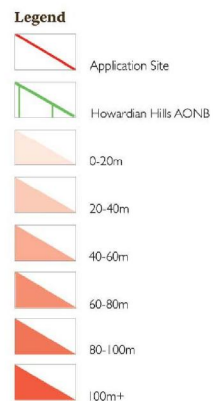
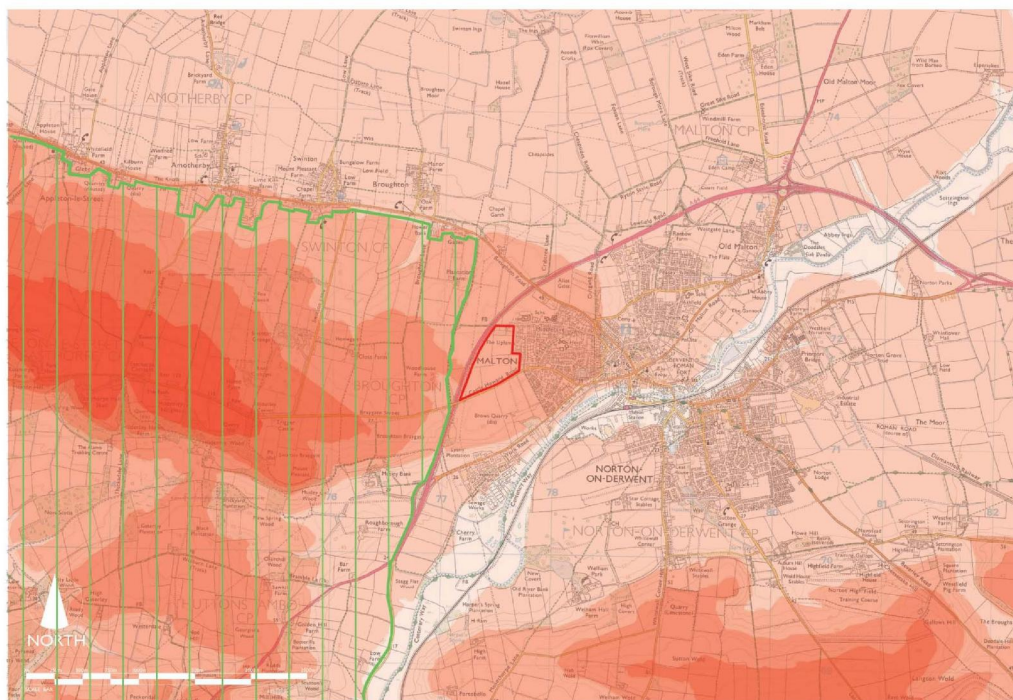
- Legend**
-  Application Site
 -  Howardian Hills AONB
 -  Primary Roads
 -  Secondary Roads
 -  River Derwent
 -  National Trail
 -  Public Footpath
 -  Public Bridleway

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CONTOUR ANALYSIS

PLAN 2



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INDICATIVE LANDSCAPE MASTERPLAN

PLAN 3



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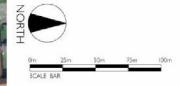
PHASING PLAN

PLAN 4



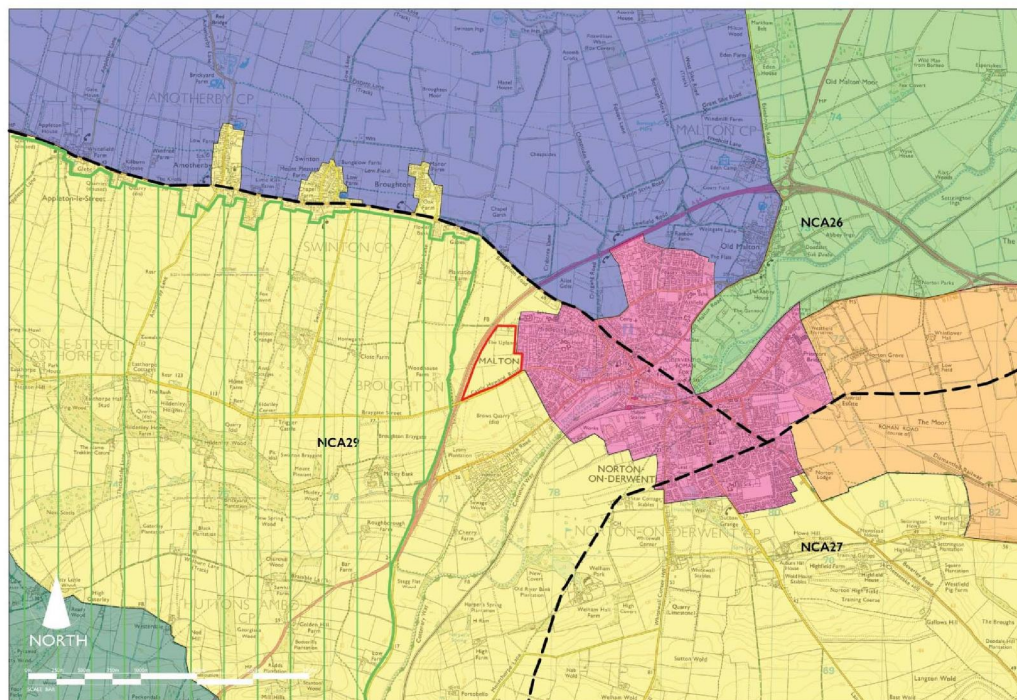
- LEGEND**
- Site Boundary
 - Existing Vegetation
 - Proposed Tree Planting
 - Proposed Native Structure, Shrub and Tree Planting
 - Proposed Attenuation Ponds
 - Proposed Willowher Meadow
 - Proposed Phasing

Refer to Full Size A1 Plan W1894 PH-01 C



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Legend

-  Application Site
-  Howardian Hills AONB
- North Yorkshire and York Landscape Characterisation Project May 2011
-  Character Area 1: Urban Landscapes
-  Character Area 5: Limestone Ridge
-  Character Area 12: Wooded Hills & Valleys
-  Character Area 22: Open, Carr/Vale Farmland
-  Character Area 26: Enclosed Vale Farmland
-  Character Area 30: Sand & Gravel Vale Fringe
- Natural England National Character Areas
-  NCA Profile 26: Vale of Pickering
-  NCA Profile 27: Yorkshire Wolds
-  NCA Profile 29: Howardian Hills

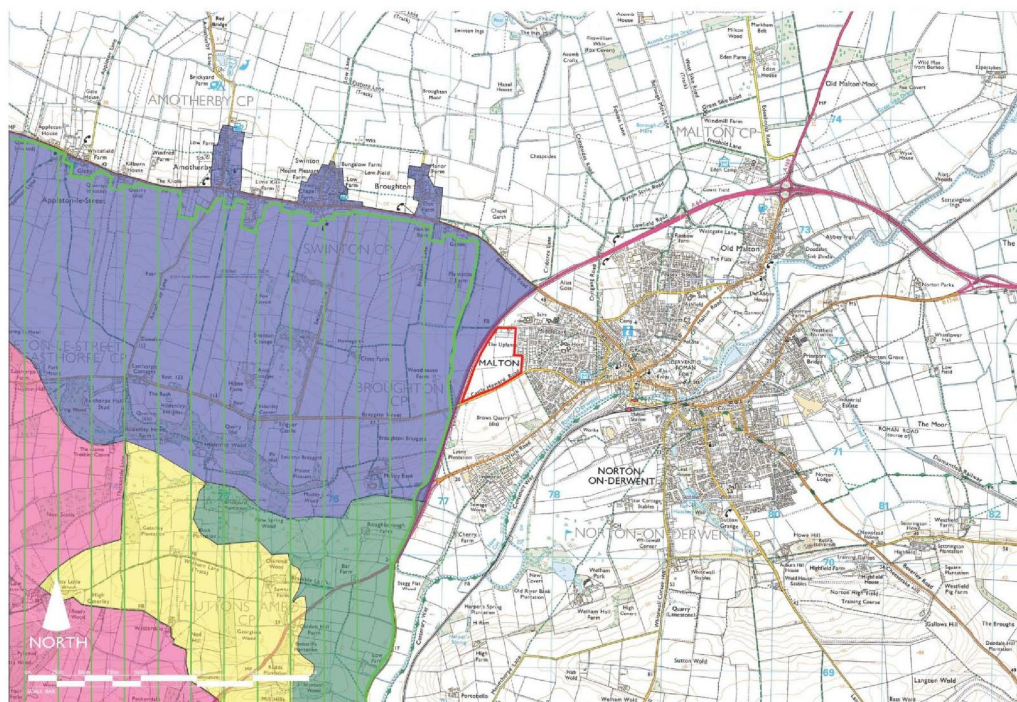
NB. Due to the scale of the North Yorkshire and York Landscape Characterisation Project (2011) in relation to this study area, character area boundaries are indicative guides and should not be relied upon for accuracy.

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LOCAL LANDSCAPE CHARACTER OF AONB

PLAN 6



Legend








-  Application Site
-  Howardian Hills AONB
- Countryside Commission
Landscape Assessment 1995
-  Castle Howard Basin
-  Central Hills & Valleys
-  Derwent Gorge
-  North Ridge

NB. Due to the scale of this character study within 'The Howardian Hills Landscape' in relation to this study area, character area boundaries are indicative guides and should not be relied upon for accuracy.

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- Legend**
-  Application Site
 -  Area of Outstanding Natural Beauty (AONB)
 -  Site of Special Scientific Interest (SSSI)
 -  Conservation Area
 -  Special Qualities Study of Ryedale's Market Towns
 -  Tree Preservation Order
 -  Scheduled Ancient Monuments

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VISUAL SURVEY ~ ZONE OF VISUAL INFLUENCE

PLAN 8



- Legend**
- Application Site
 - Howardian Hills AONB
 - Primary Roads
 - Secondary Roads
 - River Derwent
 - National Trail
 - Public Footpath
 - Public Bridleway
 - Views Towards Site
 - Views From Within Site
 - Visual Envelope

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VIEWS FROM WITHIN SITE

PLATE I



Viewpoint A
View from within the application site looking North West to North East



Viewpoint B
View from within the application site looking South East to South West

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VIEWS TOWARDS SITE - VIEW FROM MIDDLECAVE ROAD LOOKING SOUTH WEST TOWARDS THE APPLICATION SITE PLATE 2



Viewpoint 1 ~ Summer

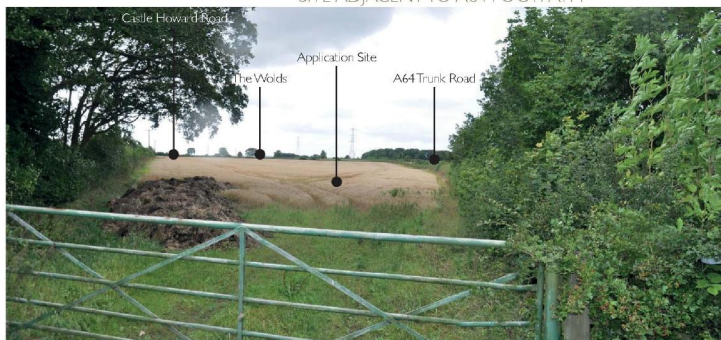


Viewpoint 1 ~ Winter

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VIEWS TOWARDS SITE - VIEW FROM PUBLIC RIGHT OF WAY TOWARDS PROPOSED OPEN SPACE WITH APPLICATION SITE ADJACENT TO A64 FOOTPATH PLATE 3



Viewpoint 2 ~ Summer



Viewpoint 2 ~ Winter

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VIEWS TOWARDS SITE –VIEW FROM FOOTBRIDGE OVER A64 ON PUBLIC RIGHT OF WAY

PLATE 4



Viewpoint 3 ~ Summer



Viewpoint 3 ~ Winter

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VIEWS TOWARDS SITE – VIEW FROM PUBLIC RIGHT OF WAY LOOKING EAST TOWARDS APPLICATION SITE

PLATE 5



Viewpoint 4 ~ Summer



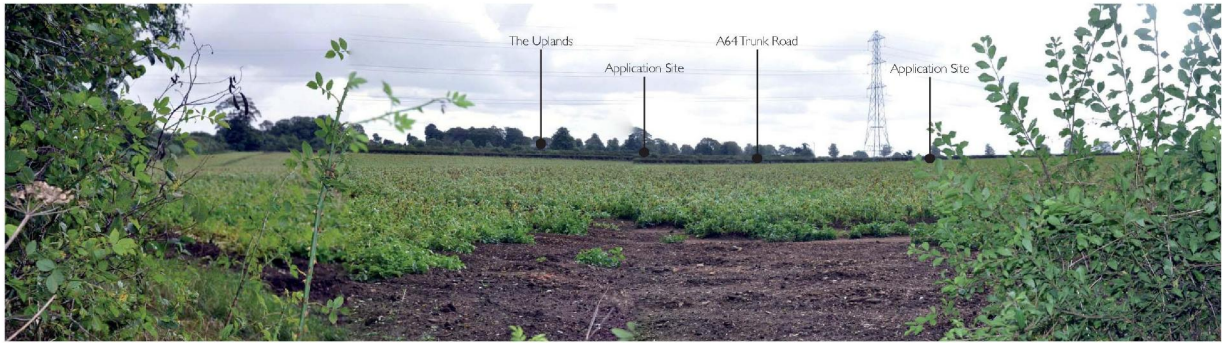
Viewpoint 4 ~ Winter

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VIEWS TOWARDS SITE -VIEW FROM PUBLIC RIGHT OF WAY LOOKING SOUTH TOWARDS BRAYGATE STREET

PLATE 6



Viewpoint 5 ~ Summer



Viewpoint 5 ~ Winter

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VIEWS TOWARDS SITE – VIEW FROM PUBLIC FOOTPATH GOING NORTH TOWARDS B1257

PLATE 7



Viewpoint 6 ~ Summer



Viewpoint 6 ~ Winter

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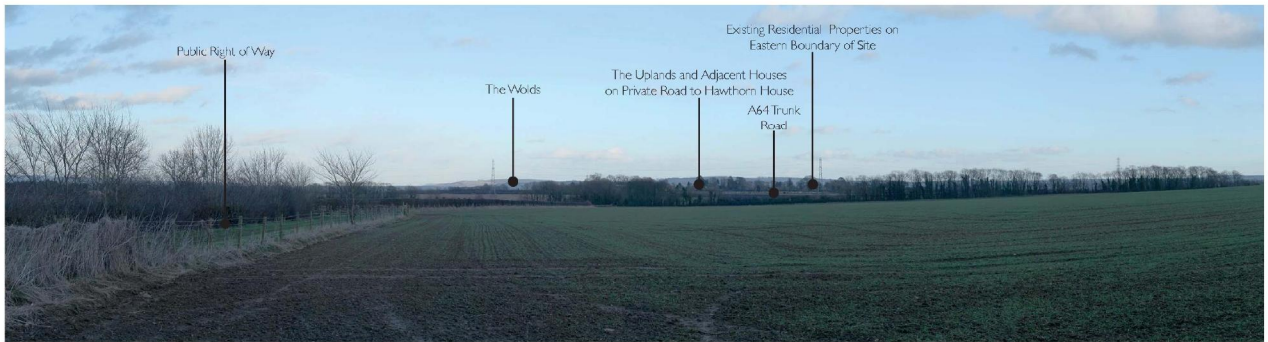
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VIEWS TOWARDS SITE - VIEW FROM BROUGHTON LANE LOOKING EAST TOWARDS THE APPLICATION SITE

PLATE 8



Viewpoint 7 ~ Summer



Viewpoint 7 ~ Winter

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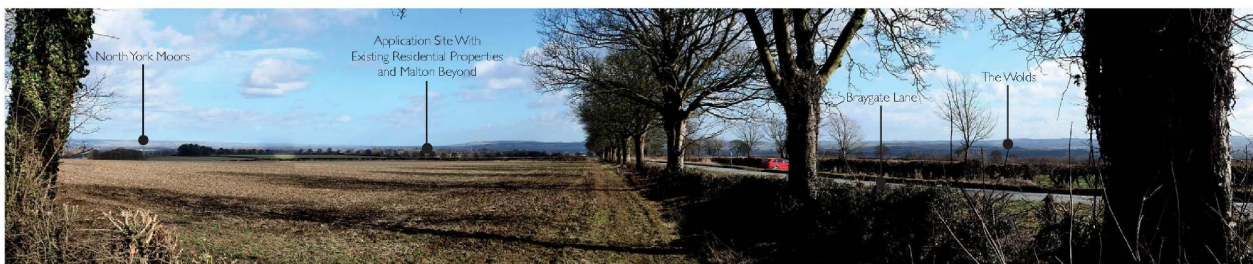
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VIEWS TOWARDS SITE - VIEW FROM SWINTON LANE LOOKING EAST TOWARDS THE APPLICATION SITE

PLATE 9



Viewpoint 8 ~ Summer



Viewpoint 8 ~ Winter

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VIEWS TOWARDS SITE - VIEW FROM BRAYGATE STREET AT JUNCTION WITH BROUGHTON LANE LOOKING NORTH
EAST TOWARDS APPLICATION SITE PLATE 10



Viewpoint 9 ~ Summer



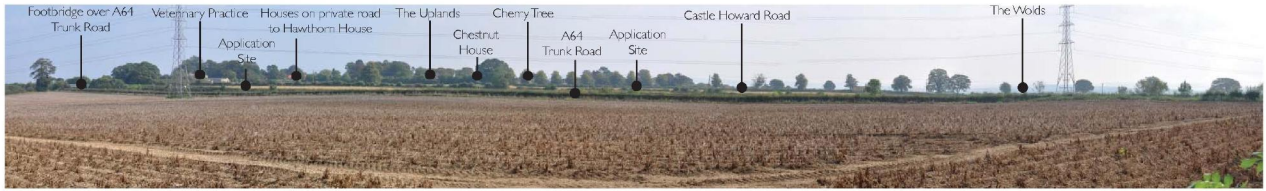
Viewpoint 9 ~ Winter

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VIEWS TOWARDS SITE - VIEW FROM PUBLIC RIGHT OF WAY LOOKING EAST TOWARDS THE APPLICATION SITE

PLATE 11



Viewpoint 10 ~ Summer



Viewpoint 10 ~ Winter

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VIEWSTOWARDS SITE – VIEW FROM PUBLIC RIGHT OF WAY LOOKING EAST TOWARDS THE APPLICATION SITE
SHOWING RECENT APPROVED DEVELOPMENTS

PLATE 11a



Viewpoint 10 ~ Winter

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VIEWS TOWARDS SITE - VIEW FROM CASTLE HOWARD ROAD OVER THE A64 LOOKING NORTH EAST TOWARDS THE APPLICATION SITE

PLATE 12



Viewpoint 11 ~ Summer



Viewpoint 11 ~ Winter

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VIEWS TOWARDS SITE - VIEW FROM CASTLE HOWARD ROAD LOOKING NORTH TOWARDS THE APPLICATION SITE PLATE 13



Viewpoint 12 ~ Summer



Viewpoint 12 ~ Winter

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VIEWSTOWARDS SITE -VIEW FROM CASTLE HOWARD ROAD LOOKING NORTH TOWARDS THE APPLICATION SITE PLATE 14



Viewpoint 13 ~ Summer



Viewpoint 13 ~ Winter

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VIEWS TOWARDS SITE - VIEW FROM CASTLE HOWARD LOOKING NORTH WEST TOWARDS THE APPLICATION SITE PLATE 15



Viewpoint I4 ~ Summer



Viewpoint I4 ~ Winter

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APPENDIX I

LANDSCAPE MANAGEMENT PLAN

FOR

THE PHASE I
INFRASTRUCTURE LANDSCAPING
HIGH MALTON

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CONTENTS

- 1 Introduction
- 2 Aims and Objectives
- 3 Landscape Component Descriptions
- 4 Landscape and Habitat Management Objectives and Prescriptions
- 5 Implementation, Monitoring and Review

1. INTRODUCTION

The Landscape Management Plan has been prepared to support the Phase 1 Infrastructure Landscaping as shown on drawing W1894/MP03 Sheets 1, 2 and 3.

The purpose of the Management Plan is to provide objectives and priorities for management decisions following implementation and a framework for action for the ongoing maintenance of the site.

The overall aim of the Management Plan is to provide a framework that will ensure that a successful management of the Phase 1 Infrastructure Planting, the areas of soft landscape are maintained and developed to achieve the design intent and to reflect the landscape and ecological context of the site.

A further aim is to maintain an attractive area for informal recreation within the development.

The Management Plan summarises the underlying landscape design and ecological principles incorporated into the proposals and sets out how it is proposed that the habitats and amenity landscape should be managed:

Section 2 states the aims and objectives of the Management Plan.

Section 3 describes and gives details of the role of each landscape component.

Section 4 details the management objectives and a broad prescription for each component.

Section 5 provides details of implementation, monitoring and review.

2. AIMS AND OBJECTIVES OF THE MANAGEMENT PLAN

Aims

To adopt a coherent, strategic and integrated approach to the management and maintenance of the landscape components associated with the development to ensure successful screening of the development from the AONB, overall integration with the surrounding landscape and a management approach that is appropriate to both nature conservation and to the users of the site and its amenity.

Objectives

- To ensure the development is effectively screened by vegetation as sought within the landscape proposals.
- To retain and enhance the value (if any) of existing landscape features.
- To ensure successful establishment of all new landscape proposals.
- To achieve the integration of the vegetation on the site with the surrounding landscape.
- To maximise the nature conservation value of the new and existing habitats on the site.
- To fulfil legal requirements, including nature conservation, environmental protection and general public safety.
- To facilitate an efficient and sustainable landscape management and maintenance regime.
- To provide attractive and easily accessible areas suitable for low key informal recreation, such as dog walking.
- To provide a mechanism for monitoring and reviewing the Management Plan and operations.

3. LANDSCAPE COMPONENT DESCRIPTIONS

Appropriate management will be split up into five separate but interlinked components:

- i) Woodland tree planting
- ii) Woodland shrub planting
- iii) Woodland trees
- iv) Meadow grassland
- v) Existing trees and shrubs to be retained

The areas and features that make up these components are illustrated on the Landscape Masterplan.

i) Woodland Tree Planting

- New woodland tree planting is proposed to the Western and Southern boundaries as part of the Phase 1 Infrastructure Planting.
 - The new woodland plantings will comprise of locally native trees. The planting shall consist of transplants at high planting densities and will be interspersed with specimen woodland trees. Woodland shrubs will be planted throughout the mix.
 - All advantageous horticultural techniques will be used in the planting of these trees.
 - New woodland tree areas will be planted into ameliorated topsoil.
 - Selected areas of new woodland tree areas will be under-sown in years 2 – 7, following closure of tree canopy, with woodland grass / wildflower mix containing only species that are locally native and appropriate to the soil types to be sown. Where species are unlikely to have a successful strike rate from direct sown seed, pot grown (tube stock) plants will be used to supplement seeded areas.
- The important objectives for new woodland plantings will be:
- Mitigate the impact of the development.
 - Contributing to a strong perimeter structure.
 - Integrating the site with adjacent areas.
 - Wildlife conservation and enhancement.

ii) Woodland Shrub Planting

- New shrub plantings are proposed around the perimeter of the Phase 1 Infrastructure Landscaping to produce a tiered woodland edge

- The new woodland plantings will comprise of locally native shrubs. The planting shall consist of transplants at high planting densities. All advantageous horticultural techniques will be used in the planting of these shrubs.

- New woodland shrubs will be planted into ameliorated topsoil.

- Selected areas of new woodland tree areas, as advised by ecologist or landscape architect, will be under-sown in years 2 - 7 (following closure of tree canopy) with woodland grass/wildflower mix containing only species that are locally native and appropriate to the soil types to be sown. Where species are unlikely to have a successful strike rate from direct sown seed, pot grown (tube stock) plants will be used to supplement seeded areas.

The important objectives for new woodland plantings will be:

- Creation of a natural 'woodland' character.
- Contribution to a strong perimeter structure.
- Integration of the site with adjacent areas.
- Wildlife conservation and enhancement.

iii) Woodland Trees

- Individual and groups of extra heavy standard, heavy standard and feathered trees will be established within the areas of native woodland tree planting in key areas.

- This vegetation will be planted in fertile soils.

- The primary objective for these trees will be to mitigate the impact of the development from key vantage points and give a sense of maturity to the site.

iv) Meadow Grassland

- The meadow areas will be established without the use of soil ameliorants, with grass/wildflower and wetland seed mixes.

- The objective is for these areas to contribute significantly to the ecological value of the area, particularly in providing new opportunities for woodland edge flora, permanent rough grassy cover and associated fauna. They will also be important in contributing to the physical and visual interest of the site, particularly in providing visual transition between natural ecological edges and the more manicured development itself.

vii) Existing Trees and Shrubs to be Retained

- The existing planting and associated trees

throughout the site will be retained as a part of the proposed development.

- The trees and shrubs will be retained in order to maintain some of the existing landscape and ecological values of the site. The existing shrubs and trees located to the boundaries of the site will be incorporated into areas of proposed woodland planting.

4. LANDSCAPE AND HABITAT MANAGEMENT OBJECTIVES AND PRESCRIPTIONS

General Prescriptions

There are a number of general prescriptions that apply to management within the application site and these are:

- All legally designated weeds shall be controlled.
- Vegetation which suppresses or otherwise inhibits the development of planted species and proper management of habitats shall be restricted and/or removed.
- Any species which colonise the site and are incongruous with the planting scheme and/or with the surrounding context shall be removed.
- All herbicides will be systemic, biodegradable and non-residual, and only used where necessary and appropriate.
- All areas will be subject to a regular system of litter collection and removal.

Woodland Tree Planting Management Objectives

The objectives for the management of the new woodland tree plantings will be to:

- Ensure the establishment and healthy growth of the planting.
- Ensure permanent screening from adjacent areas by encouraging the planting to achieve a good height and a dense habitat.
- Develop their value as wildlife habitat
- Ensure a strong external landscape structure to the site.

Prescription

The woodland plantings will be subject to a high standard of establishment maintenance to ensure survival and rapid development of all specimens. The following work will be undertaken during the first five years after planting to ensure the satisfactory establishment and development of these trees.

- Weeds to be suppressed throughout the planted areas with 3no. applications of a translocated herbicide each growing season and 1no. application of herbicide during each dormant season in 0.5m diameter circles around each tree.

- Allow for strimming out any remaining grass beneath and to immediate margins of woodland planting twice a year.

- Treatment of any plants against pests and diseases with spraying and dusting as required.

- Allow for spot treatment of any pernicious weeds each season.

- Allow for application of a slow-release fertiliser around the bases of all planting during the spring of the first growing season.

- Any vandalised, unhealthy and dead trees will be replaced each year at the next available planting season and any underlying causes amended.

Rabbit fencing, stakes and ties, and any other forms of protection used to be regularly maintained.

- Stakes and ties to be removed at appropriate times to ensure optimum health of trees.

- Soil fertility to be maintained at appropriate levels.

- If feasible, soil should be maintained at appropriate levels for optimum growth and particular attention should be made to the cutting on the southern boundary (the need for installation of some form of irrigation system to be monitored).

In the following 2-7 years:

- Selective thinning of tree species to ensure appropriate spacing in relation to screening requirements and the satisfactory development of the trees for their ecological value.

- Low-level screening and buffering requirements should be achieved by coppicing selected specimens.

- Coppicing will be carried out on woodland trees in internal locations (i.e. where they do not have a screening function). This will need to commence approximately five years after

planting. Groups will need to be coppiced approximately every 10 years, with no more than 10% of the total area of woodland planting (including understorey and woodland margins) being coppiced in any one year.

- Arisings to be chipped and spread thinly over the planting area, avoiding wildflower seeded areas.

- Introduce woodland wildflowers in selected and suitable areas after canopy closure. In the following 7-12+ years:

- Further thinning of tree species should be undertaken as required (approximately every 10-15 years) until appropriate final matrix specimen spacing is reached to achieve maximum growth heights.

- Where screening is a particular requirement, spacing will be selected to ensure good screening effect but without the trees becoming elongated as a result of overcrowding.

- Where screening is not a specific requirement, spacings will be selected to ensure that trees are developing well and to ensure sufficient canopy cover is maintained to allow the development of the self-sown/planted woodland ground flora.

Woodland Shrub Planting

Management Objectives

The objectives for the management of the new woodland shrub plantings will be to:

- Ensure the establishment and healthy growth of the plantings.

- Contribute to the creation of the new woodland.

- Development their value as wildlife habitat.

- Ensure a strong internal and external landscape structure to the site.

Prescription

The woodland plantings will be subject to a high standard of establishment maintenance to ensure survival and rapid development of all specimens.

- Selective thinning of shrubs to ensure appropriate spacing in relation to the satisfactory

The following work will be undertaken during the first five years after planting to ensure the satisfactory establishment and development of these shrubs:

- Pruning/coppicing to the woodland shrubs beneath the electricity power lines to ensure that the maximum height of the plantings does not exceed 2-3m (exact height to be confirmed following discussions with the relevant bodies).

- Weeds to be suppressed throughout the planted areas with 3no. applications of a translocated herbicide each growing season and 1no. application of herbicide during each dormant season in 0.5m diameter circles around each shrub transplant.

- Allow for strimming out any remaining grass beneath and to immediate margins of woodland planting twice a year.

- Treatment of any plants against pests and diseases with spraying and dusting as required.

- Allow for spot treatment of any pernicious weeds each season.

- Allow for application of a slow-release fertiliser around the bases of all planting during the spring of the first growing season.

- Any vandalised, unhealthy and dead shrubs will be replaced each year at the next available planting season and any underlying causes amended.

- Rabbit fencing, stakes and ties, and any other forms of protection used to be regularly maintained.

- Stakes and ties to be removed at appropriate times to ensure optimum health of trees.

- Soil fertility to be maintained at appropriate levels.

- If feasible, soil should be maintained at appropriate levels for optimum growth and particular attention should be made to the cutting on the southern boundary (the need for installation of some form of irrigation system to be monitored).

In the following 3-7 years:

- Selective thinning of shrubs to ensure appropriate spacing in relation to the satisfactory

development of the trees for their ecological value.

- Pruning/coppicing to the woodland shrubs beneath the electricity power lines to ensure that the maximum height of the plantings does not exceed 2-3m (exact height to be confirmed following discussions with the relevant bodies).

- Coppicing will be carried out on woodland shrubs, commencing approximately five years after planting. Groups will need to be coppiced approximately every 10 years, with no more than 10% of the total area of woodland planting (including understorey and woodland margins) being coppiced in any one year.

- Arisings to be chipped and spread thinly over the planting area.

In the following 8-12+ years:

- Further thinning of shrubs should be undertaken as required (approximately every 10-15 years) until an attractive and ecologically high value woodland is created.

- Pruning/coppicing to the woodland shrubs beneath the electricity power lines to ensure that the maximum height of the plantings does not exceed 2-3m (exact height to be confirmed following discussions with the relevant bodies).

Woodland Trees

Management Objectives

- Provide an immediate visual screening and maturity to the site until the woodland plantings are fully established.

Prescription

The following work will be undertaken during the first five years after planting to ensure the satisfactory establishment and development of trees:

- Weeds to be suppressed throughout the planted areas with 3no. applications of a translocated herbicide each growing season and 1no. application of herbicide during each dormant season in 0.5m diameter circles around each tree.

- Ensure that the woodland tree plantings are not competing with the woodland trees by clearing a 1m diameter around the base of the specimens.

- Treatment of any trees against pests and diseases with spraying and dusting as required.

- Allow for spot treatment of any pernicious weeds each season.

- Allow for application of a slow-release fertiliser around the bases of all planting during the spring of the first growing season.

- Any vandalised, unhealthy and dead trees will be replaced each year at the next available planting season and any underlying causes amended.

- Guards, stakes and ties, and any other forms of protection used to be regularly maintained.

- Tree guards, stakes and ties to be removed at appropriate times to ensure optimum health of trees.

- Soil fertility to be maintained at appropriate levels.

- Soil moisture to be maintained at appropriate levels for optimum growth and particular attention should be made to the cutting on the southern boundary (the need for installation of some form of irrigation system to be monitored).

In the following 3-12+ years:

- Further thinning of trees may be undertaken if required (approximately every 10-15 years) until an attractive and ecologically high-value overall woodland effect is created whilst achieving maximum growth heights along the tops of the bunds.

- Selective formative pruning of branches to achieve optimum growth rates and good shape.

Meadow Grassland

Within the northern field, the following applies to both the existing areas of retained agricultural grassland and the areas of proposed wildflower grassland.

Management objectives

The objectives for the management of meadow grasslands will be to:

- Maximise the ecological diversity of the grassland flora and value for associated fauna.

- Ensure permanent rough grassy cover.
- Maintain an attractive open area for informal and low key amenity use, such as dog walking and jogging.
- Prevent the encroachment of woodland/scrub beyond the proposed areas.
- Control undesirable herbaceous species.

Prescription

Although the management needs of meadow grasslands will not be particularly demanding, it will be essential to ensure that certain key requirements are fulfilled if the management objectives are to be realised.

The appropriate management regime for wildflower grasslands will depend on soil fertility levels and other factors, so the following prescriptions will need to be adapted as necessary, following review by an ecologist or landscape manager.

The following prescriptions that should apply throughout the life of the development are:

- During establishment of the new, sown wildflower grassland areas, the sward will be mown to a height of 50mm whenever it reaches a height of 80-100mm in order to control weeds and encourage the development of herbaceous species. Arisings to be removed.
- Thereafter, meadow grassland will be mown twice yearly to a height of 25-40mm, at end July and in October.
- Cuttings will be left to lie and shall then be removed within one week after the area has been cut to ensure nutrient levels are kept to a minimum and to allow seed fall in July, and immediately after cutting in October.
- All arisings should be removed with the general objectives of providing appropriate conditions for meadow grassland flora and fauna.
- Some areas should be left uncut or cut to a different height or at a different time to create a diversity of habitat areas.
- Some arisings should be used to create habitat piles in suitable locations.
- Undesirable herbaceous species will be

controlled with a sensitive modification of mowing regimes, hand pulling or weed wiping/spot spraying with herbicides each season.

- As and where they may occur, brambles or other noxious weeds will be cut back at regular intervals and at least every two years.

- Areas where grass/flora swards fail to establish or die out will be re-sown and any underlying problems resolved.

- Soil ameliorants will not be used on meadow grassland areas.

Existing Trees and Shrubs to be Retained Management objectives

- The objectives for the management of existing hedgerows and trees will be to:
 - Retain, develop and enhance in a healthy and sustainable condition.
 - Maintain in an attractive condition that contributes to the overall design intent.

Prescription

Existing vegetation will be subject to a high level of protection and monitoring to ensure its health is maintained during the construction and initial establishment period. This will involve management works including the following:

- Annual trimming to be undertaken outside bird nesting season. Maintain to an 'A' section to improve ecological value. All arisings to be chipped and spread evenly along the base of the hedgerow.
- Protection of existing trees within hedgerows from trimming operations.
- Pruning and/or hedgerow replacement planting.

All of these management activities will be carefully monitored to eliminate undue stress on existing specimens.

5. IMPLEMENTATION, MONITORING AND REVIEW

All materials, workmanship, quality and operations shall be in accordance with current British Standards, Codes of Practice, and legislation.

Landscape and habitat management works will be monitored to appraise quality and immediate effectiveness. Additionally, a detailed ecological and landscape monitoring programme will be developed to monitor the ongoing condition of the area covered by the Management Plan against the design and management objectives.

This strategic monitoring will be undertaken on an annual basis for the first five years after initiation of the development and every five years subsequently.

The Landscape Management Plan will also be reviewed every five years in conjunction with the above strategic monitoring.

File Note



Project:	High Malton	Job No:	60338643
Subject:	Air Quality - Response to Objections	Date:	23 September 2015

This technical note has been prepared in response to objections, received by Ryedale Council, regarding the AECOM air quality assessment undertaken in respect of the proposed High Malton development (14/00678/MOUTE). The purpose of the note is to provide the planning committee with a balanced appraisal of the issues identified by the objectors.

The (air quality elements of) objections that this note responds to are:

1. Objection e-mail dated 19th August, from Ian Conlan, on behalf of West Malton Residents Group
2. Objection letter dated 2nd September, from Simon Thackray, Brawby, Malton
3. Objection e-mail dated 3rd September (8.34am), from Ian Conlan, on behalf of West Malton Residents Group
4. Objection e-mail dated 3rd September (9.51am), from Ian Conlan, on behalf of West Malton Residents Group
5. Objection e-mail dated 4th September, from Ian Conlan, on behalf of West Malton Residents Group
6. Objection e-mail dated 15th September, from Ian Conlan, on behalf of West Malton Residents Group

The issues raised in the numbered Objections have been summarised as follows:

Topic	Objection ID					
	1	2	3	4	5	6
Future NO ₂ /NO _x Background Concentrations	x					
Over prediction of future NO ₂ reductions in the AQMA / effect of diesel vehicles			x			x
Failure to meet EU limits for NO ₂		x				
Cumulative Impacts		x	x		x	
Mitigation (Insufficient/Quantification of/HGVs)		x	x	x		
Model Uncertainty / Model error		x				
Monitored Trends in the AQMA / Model Verification			x		x	
Vehicle speeds / congestion / queuing			x	x	x	
Discrepancies with planning application 14/00426/MOUTE						x

This note contains four sections which provide:

1. a short background to the air quality assessment work undertaken so far;
2. a discussion of all of the cautious/conservative aspects of the work undertaken, that together would have overestimated impacts/pollutant concentrations
3. a discussion of the aspects of work that may be considered to have downplayed/underestimated impacts/pollutant concentrations
4. a conclusion to pull together the issues raised

Reference is made to the Objection topics as appropriate. Section 4 picks up on some Objection topics not covered in Sections 2 and 3.

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1. Background

AECOM undertook an assessment (dated June 2014) to support the outline planning application for a residential led mixed use development to the west of Malton. Following comments received from the Environmental Protection Officer at Ryedale District Council a 'Report Update' was prepared, dated February 2015.

2. Cautious / Conservative aspects of the assessment

Many factors must be considered when undertaking an air quality assessment. Each of these factors can have an influence directly or indirectly on the overall assessment outcomes. Typically AECOM aims to err on the side of caution, particularly for an outline planning application, so as to ensure that overall, a robust assessment, where development impacts are not underestimated, is undertaken.

The following list provides details of those aspects of the assessment where a cautious approach was adopted:

a. Assumed opening year

The AECOM assessment assumes for the purpose of the modelling predictions that the entire development will be operational (fully occupied) by 2019. In reality however, the construction will be phased over 10-15 years, and so the very earliest that the development will be fully occupied will be 2025. This therefore represents a very cautious approach as ambient air quality is forecast to be greatly improved by 2025, compared with the present day and compared with the assumed operational year of 2019. Not only will 'background' air quality throughout Malton be greatly improved by 2025, but the impact of the development, associated with vehicles travelling to and from the development will be of far lesser magnitude due to improvements in vehicle emissions technologies and the likely increased proportion of electric vehicles and other ultra low emission vehicles.

If the assessment had quantified the NO₂ concentrations in Malton in 2025 and the development impact in 2025, it would have been predicted that NO₂ concentrations would be well below the EU annual mean limit value (of the order of 50-75% of the EU limit value), and the development impact would have been predicted to be far smaller (of the order of 30-50% smaller than was predicted for 2019 in our assessment).

By 2019 it is perhaps more realistic that the development will be 30% complete, and therefore, taken in isolation, the AECOM assumption that it would be fully complete may have caused an overestimation of the impacts in 2019 of the order of approximately 70%.

b. Treatment of HGVs

For the purposes of the modelling assessment it was assumed that the development would have no effect on the proportion of HGVs (and buses/coaches) that are currently on the roads in Malton. However, the development traffic, given the type of development (residential-led) will be predominantly cars, and therefore it would be reasonable to expect that overall the proportion of HGVs (and buses/coaches) in Malton will in fact reduce.

Considering that one HGV emits significantly more pollution than one car, taken in isolation, this assumption regarding the composition of the development traffic will likely have resulted in the overall impact of the development being overestimated in 2019 by approximately 10-20%.

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c. Model verification - Background concentrations

Model verification is the process of comparing actual measured concentrations with modelled predictions, at specific roadside points where the Council conducts monitoring. An 'adjustment factor' can then be derived to 'verify' the model over the whole study area, so as to ensure that the model represents reality as close as possible. An important part of this process is the consideration of 'background' pollution levels. We model emissions from vehicles within the study area, but other sources, such as emissions from domestic heating, emissions from vehicles outside of the study area, and pollution that has been transported from nearby villages, towns and cities further afield, is accounted for through the use of a 'background' contribution. Councils sometimes undertake monitoring at 'background' locations (i.e. at locations away from roads), but Ryedale do not; however Defra have published estimates of background pollutants nationwide, with a 1km resolution, and so this was used to determine our 'background' pollutant contribution. Through experience of undertaking a great number of assessments throughout the UK we are aware that it is fairly often the case that where we are able to compare actual monitored 'background' NO₂ levels with Defra estimates we find that the Defra estimates are low compared with the monitored values. Indeed, one of the closest 'background' monitoring sites we are aware of is in Easingwold, approximately 25 km west of Malton, and at this site the monitored value was approximately 40% higher than the Defra estimate. The implication of this is that, had we used a *higher* background value, our model adjustment factor would have been *lower*, and consequently the magnitudes of our development impacts would have been *lower*.

It is hard to estimate the effect of this on the assessment, but it is likely that had there been local background concentration measurements these would have been *higher* than the Defra estimates and so, taken in isolation, this will have contributed to an overestimation of development impacts of the order of 0-20%.

d. HGV Mitigation

At the time of writing the original assessment (June 2014) and the Update (February 2015) it was not known that as part of the development there would be a permanent ban (weight limit) on HGVs (with the exception of essential deliveries and public service vehicles) at Butcher's Corner. Such a measure will have a considerable effect on pollutant concentrations. HGVs are well known to contribute significantly to vehicular pollution nationwide; whilst the effect of diesel cars is now widely recognised to be greater than previously thought, HGVs remain a significant contributor.

It is considered likely that an HGV ban / weight limit would reduce concentrations on those roads affected in the AQMA to be consistently below the EU limit values when it comes into force.

In the short term, if the ban comes into force prior to the full occupation of the development, the ban would have a significant beneficial impact and would likely result in the impact of the development being net positive (i.e. beneficial).

Once the development is fully occupied the impact of the ban will still be very significant, but further calculations would need to be undertaken to predict how significant, and whether the development as a whole would still be net positive.

Overall, considering the combined effect of the first three issues (a, b, and c), **it is likely that the assessment undertaken may have overestimated the development impacts by at least 60%**. The next section discusses areas where the approach potentially may have caused impacts to be underestimated. The final point (d) raises the possibility of the development having a net positive (beneficial) effect on air quality, whilst acknowledging that further work would need to be undertaken to confirm this.

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3. Potential Non- Cautious / Conservative aspects of the assessment

The following list provides details of those aspects of the assessment where the approach followed could have contributed to a potential underestimation of impacts and/or pollutant concentrations:

- a. Reduction in future background concentrations (Objection ID #1)
- Objection ID #1 points out that it was assumed in the AECOM assessment that background pollutant concentrations would decrease in the future. These decreases are based on Defra projections, which are based on projected improvements in technology and other factors. It is important to note that many sources contribute to background concentrations; vehicles are only one such source. However the predicted reduction assumed in the assessment from 7.5 $\mu\text{g}/\text{m}^3$ of NO_2 in 2013 to 6 $\mu\text{g}/\text{m}^3$ of NO_2 in 2019 is a very small reduction.
- Even if no such reduction had been assumed, which should be considered to be a cautious approach, this would have had a very minimal effect on the total concentrations predicted, and no effect on the magnitude of the development impact.**
- b. Emissions assumptions to predict future NO_2 concentrations, and recent observed pollutant trends (Objection ID #3 and #5 and #6)
- Objections #3 and #6 question the validity of the assumption that vehicle emission improvements will occur between 2013 (the assessment base year) and 2019. It is now widely accepted that the emissions performance of diesel vehicles in particular has not and is not improving to the extent that had been expected several years ago. For this reason AECOM did a sensitivity test to demonstrate what the effect would be upon the 2019 predictions of assuming a lesser rate of improvement in emissions between 2013 and 2019 (i.e. emissions improvements were assumed between 2013 and 2016, but no improvements between 2016 and 2019). So rather than take a very cautious approach and assume no improvements would occur at all in the six years between 2013 and 2019, we did assume in the sensitivity test that there would be some improvements (between 2013 and 2016). We believe this to be a fair assumption to make for several reasons:
1. Between 2013 and 2019 (6 years) there will be a considerable turnover in the vehicle fleet with many older more polluting vehicles being replaced by newer less polluting vehicles
 2. Most of the uncertainty regarding future emission improvements relates to diesel vehicles, rather than petrol. Petrol fuelled vehicles still make up a significant proportion of the car fleet and are forecast to continue to do so.
 3. Over the past five years in particular, concentrations of NO_2 have been steadily declining, providing evidence that air quality is improving in Malton. The Council's most recent air quality report (2015 Updating and Screening Assessment) provides a very good analysis of the improvement, indicating on average year on year reductions of 1-2 $\mu\text{g}/\text{m}^3$ at locations within the AQMA. Since the February Update was completed measured pollutant data for Malton for 2014 has become available and only one monitoring site recorded a concentration in excess of the EU limit value, compared with 5 in 2010, 6 in 2011, 6 in 2012, and 3 in 2013.
- Objection #3 examines in some detail the year on year measured improvements in air quality (2005-2014), compared with the year on year modelled improvements. The analysis reveals very similar year on year reductions; the differences between the two should not be considered to be significant. Importantly the analysis does indicate that it is reasonable to expect year on year NO_2 reductions, whilst acknowledging that concentrations will always continue to fluctuate due to many factors, such as meteorology. Objection #3 does not draw attention to the fact that the majority of the improvements in air quality have taken place of over the past 5 years (2010-2014), with on average year on year reductions of 1-2 $\mu\text{g}/\text{m}^3$ at locations within the AQMA.
- Objection #3 makes reference to a recent planning appeal in Sussex (July 2015) where the planning inspector did not consider that the applicant's projected improvements in air quality due

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to improvements in vehicle emission technologies would be realised. There are many differences between the High Malton development and the Sussex case and it should not be considered to be of direct relevance. For instance in the Sussex case the applicant's air quality assessment had relied on a large reduction in background NO₂ to demonstrate that the development would be acceptable; that is not the case for High Malton. In addition in the Sussex case the applicant's air quality assessment predicted far greater improvements in NO₂ in the future than had been realised in the 'recent past'; whereas for High Malton, the predicted improvements in the future are similar or even lower than those that have been measured over the past five years.

c. Model verification (Objection ID #3 and #5)

Objection #3 and #5 question the model verification process, suggesting that only seven monitoring sites measuring the highest concentrations should have been considered. However, greater confidence in the model results is gained by comparing the model results with as many data points as possible, and therefore 12 sites were used for verification purposes, three of which are outside of the AQMA.

Had an approach similar to that outlined in the Objection been followed, which in our professional opinion would have been of lesser accuracy, a slightly greater model adjustment factor would have been calculated, and slightly higher concentrations predicted. Concentrations of the order of 5% higher and impacts of 5-10% higher would have been predicted.

d. Effect of the development on speeds (Objection ID #3, 4, 5)

Objections #3, 4, and 5 question how vehicle speeds were accounted for in the model, and how the effect of the development on vehicle speed was accounted for. The effect of the development upon vehicle speeds has not been quantified by the project Transport Consultants and therefore it is not known what the nature or extent of any impact may be.

Had a sensitivity test been undertaken assuming a reduction in speed of (for example) 5 km/hour at peak times, where congestion is a current issue, this would likely result in the development impact being increased by a factor of approximately 10-20% at these locations.

4. Conclusion

With consideration of the issues discussed in Sections 2 and 3 above (with the exception of the HGV weight limit), **it is considered that overall it is very likely that the assessment approach was cautious and that the impacts of the development were most likely over estimated by approximately 50%** (i.e. the cautious assumptions/aspects of the approach far outweigh the non-cautious aspects). The most important single factor was the assumption that the development would be fully occupied in 2019.

The HGV ban / weight limit has the potential to result in the net effect of the development on air quality to be considered positive or beneficial. Such a measure could be quantified once it is known more about how such a ban would affect HGV numbers on each road. However, at this stage, even if the HGV ban would not result in net benefits it would certainly reduce the development impacts very significantly.

Several of the objections (#2, 3, and 5) make reference to cumulative impacts; it is stated that the assessment did not consider the cumulative impact of other schemes. However this is not the case, the cumulative impact of committed developments were considered; in the February Update it is stated that:

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"...following comments received from the NYCC, instead of applying the national growth factor, traffic associated with specific committed developments in the vicinity of the site were used to determine the change in flows between 2014 and 2019 on each of the roads within the study area. The committed developments included in the assessment were:

- Residential development on Broughton Road;*
- Residential development on Broughton Road known as the "allotments site";*
- Redevelopment of Malton livestock market;*
- Retail development on Wentworth Street car park site; and*
- Fitzwilliam Trust Corporation developments (including relocation of Livestock market and various residential developments)."*

Several of the Objections (#2, 3, and 4) make reference to the fact that the assessment did not quantify the effect of the proposed mitigation. It is very hard to quantify the effect of the various measures discussed in the Travel Plan that will contribute to reducing the impact of the development on air quality. In addition it is very hard to quantify what the effect of installing electrical charging points for vehicles will be; these should encourage more people to purchase electric vehicles, but to what extent is not known. As discussed above, at the time of undertaking the assessment it was not known that a HGV ban / weight limit would be part of the development. Such a 'mitigation' measure can be quantified in terms of its air quality impacts once it is known more about how such a measure would affect HGV numbers on each road.

Objection #3 asserts that the assessment 'deliberately downplays' the predicted breach in Yorkersgate. This is not the case, the report describes the rationale followed to arrive at this conclusion referring to the cautious approach followed, *"It should be noted that a cautious approach was taken as the development is not likely to be fully occupied until 2025 and therefore the traffic impact in 2019 is likely to be considerably smaller than modelled for the purposes of this assessment. Taking this into consideration as well as the operational phase mitigation measures, the residual impacts were considered to be Negligible"*. The approach followed to arrive at this conclusion was entirely consistent with the EPUK guidance that was in place at the time of the assessment. The guidance recommends that when determining the overall significance of predicted air quality impacts the extent to which worst-case assumptions have been made should be considered.

Objection #3 states that incorrect speeds have been used in the assessment. Whilst the February 2015 report provides the speeds in Table 1, the text above the table does state that the speeds were, *"modified to account for slowing at junctions"*. In effect slow average speeds have been assumed within the AQMA due to the junctions present and the known congestion. Therefore it is considered that the effect of vehicle speeds is represented appropriately.

Objection #6 refers to the air quality assessment undertaken for planning application 14/00426/MOUTE (Livestock Market, Agricultural Business Centre, Business Park and Residential development (all in or close to Malton)), and questions certain differences between the assessments. The primary reason why NO2 concentrations predicted for High Malton were lower for the base year (2013) than those predicted for 14/00426/MOUTE (base year of 2012) was due to the fact that the models for the two applications were verified against two different base years. Measured concentrations in 2012 were notably higher than measured concentrations in 2013, resulting in higher verified modelled concentrations. The concentrations measured at several of the sites in 2012 were higher than had been measured in previous years; whereas concentrations measured in 2013 were at the majority of sites the lowest concentrations that had been measured since 2007. Concentrations measured in 2014 are lower than those measured in 2013 for almost all sites. Objection #6 also queries the differing approaches to predicted concentrations in the future; Section 3b above justifies the AECOM approach for High Malton.

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In summary:

- The development, if approved, even in the absence of a HGV weight limit would be very unlikely to have a significant negative effect on air quality in the Malton AQMA resulting in the AQMA failing to comply with EU limit values for NO₂, in 2019, or after 2019.
- The implementation of a HGV weight limit, as described above, would in the short term have a beneficial impact on air quality. Once the development is fully operational, the HGV ban has the potential to still have a net beneficial impact, or if not, it will reduce the development impact very significantly. The effect of a HGV weight limit can be readily quantified once data is available.
- The assessment has calculated the cumulative impact of other committed development.
- Measured air quality in Malton has been gradually improving over the past five years, and the improvement is considered to be significant even considering year to year fluctuations.
- With consideration of all of the factors that contribute to the assessment of air quality it is considered that the air quality assessment undertaken was overall cautious in the assumptions made. Most importantly, the development will not be fully occupied until at least 2025, rather than 2019 as was assumed in the assessment. Ambient air quality in 2025 will be significantly better than in 2019.
- Based on the weight of balanced evidence presented in this document, the assessment is not in conflict with Paragraph 124 of the NPPF and air quality factors should not be a reason to refuse planning.

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A Bilfinger Real Estate company

Environmental Statement (Amended)

Land off Castle Howard Road, Malton

April 2015

Environmental Statement



Document Control

Project: Castle Howard Road
Client: Fitzwilliam Malton Estate
Job Number:

Document Checking:

Prepared by: Hannah Andrew	Signed:
Checked by: Nolan Tucker	Signed:

Issue	Date	Status
1	04/2015	First Draft
2		
3		



ENVIRONMENTAL STATEMENT (Amended)

**IN SUPPORT OF PLANNING APPLICATION BY FITZWILLIAM MALTON
ESTATES**

For

**OUTLINE APPLICATION FOR THE DEMOLITION OF OUTBUILDINGS
ASSOCIATED WITH AN EXISTING VETERINARY SURGERY AND ERECTION OF
A MIXED USE, RESIDENTIAL LED DEVELOPMENT FOR A MAXIMUM OF 500
RESIDENTIAL UNITS (INCLUDING RETIREMENT HOME), EMPLOYMENT (B1),
COMMUNITY (D1/D2) AND RETAIL (A1//A3 AND A4) USES, STRUCTURAL
PLANTING AND LANDSCAPING, INFORMAL PUBLIC OPEN SPACE, CHILDRENS
PLAY AREAS AND SURFACE WATER ATTENUATION**

AT LAND OFF CASTLE HOWARD ROAD, MALTON



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Appendices

Appendix 1	Screening Opinion Request
Appendix 2	Site Location Plan
Appendix 3	Screening Opinion
Appendix 4	AONB Manager Letter (4 th March 2015) and Natural England Objection (20 th January 2015)
Appendix 5	Letter from Ryedale District Council (5 th January 2015)
Appendix 6	Landscape Visual Impact Assessment



1. Introduction

Background

- 1.1 This amended Environmental Statement (ES) has been prepared and submitted by WYG on behalf of Fitzwilliam Malton Estates to support an outline application on land north of Castle Howard Road, Malton. The planning application (reference: 14/00678/MOUT) was validated on 18 June 2014.
- 1.2 The outline application for the demolition of outbuildings associated with an existing veterinary surgery and erection of a mixed use, residential led development for a maximum of 500 residential units (including retirement home), employment (B1), community (D1/D2) and retail (A1/A3 and A4) uses, Structural planting and landscaping, informal public open space, childrens play areas and surface water attenuation (site area 21.75 ha).
- 1.3 In accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (hereafter referred to as the EIA Regulations) a request for a Screening Opinion was submitted to Ryedale District Council as the local planning authority (the Authority) as to whether the proposed development constitutes EIA development (**Appendix 1**).
- 1.4 The Authority confirmed (Ref. 14/00681/SCR) that the proposal is EIA development as the development proposals fall within paragraph 10(b) of Schedule 2 of the Regulations, is proposed to be carried out in a sensitive location adjacent to the Howardian Hills AONB and is located within the setting of the AONB.
- 1.5 A site location plan is attached as **Appendix 2** and copy of the Authority's formal Screening Opinion is attached as **Appendix 3**.

Scope of the Environmental Statement

- 1.6 This amended ES is submitted by the applicant in support of the planning application, in light of the Authority's confirmation that the proposal constitutes EIA development. A formal Scoping Opinion of the Authority has not been sought and is not a requirement of the EIA Regulations.
- 1.7 The detailed nature of the Screening Opinion request submitted by the applicant and the accompanying technical information provided the Authority with sufficient information to identify



significant environmental impacts that may potentially result from the development and which therefore need to be considered in this ES.

1.8 The specific nature of the Screening Opinion issued by the Authority reflects this stating:

"Having taken into account the selection criteria listed above, the Local Planning Authority is of the opinion that because of its nature, size and location, having regard to the environmental sensitivity of the area, the proposed development is EIA development and consequently an Environmental Statement is required to accompany the application. This particularly relates to the fact that it is considered that the proposal is likely to result in a significant effect in terms of landscape character and visual impact and is in a sensitive location adjacent to the Howardian Hills AONB and is located within the setting of the AONB".

1.9 The applicant appointed the following professionals to provide the specialist assessment and report required in this Statement:

- ADP Landscape Architects as landscape architects to undertake a Landscape and Visual Impact Assessment; and
- Michael Spence, Chartered Landscape Architect and Registered EIA Practitioner to undertake the winter photography and revised photomontages.

1.10 Following receipt of the Screening Opinion a number of meetings were held with the Authority and the AONB Manager to discuss the methodology, agree key viewpoints and highlight any information or studies held by the Authority and AONB Manager relevant to the preparation of the ES. This is in accordance with Part 4 of the EIA Regulations and the procedure to facilitate the preparation of the ES.

1.11 The original ES was submitted to the Authority in November 2014. Both the AONB Manager and Natural England lodged objections to this document and the impact of the proposed development on the AONB. Their comments are appended at **Appendix 4**.

1.12 In addition, the Authority issued their letter of 5th January 2015 confirming that the application could be dealt with as a redline outline and withdrawing their Section 4(2) request for additional information (**Appendix 5**). This approach is welcomed by the applicant who has withdrawn the indicative masterplan accordingly.



- 1.13 Nevertheless the Authority and objecting Statutory Consultees have, based on the information previously provided, requested that any approved scheme be limited to no higher than 2 ½ storeys. This restricts the ability to provide a high quality scheme in line with the NPPF and accompanying design guidance (Buildings for Life) and would not enable the applicant to deliver the scheme proposed (as described in the Design and Access Statement).
- 1.14 This amended ES has therefore been produced. It addresses concerns raised by the Authority and Statutory Consultees, providing a more accurate assessment of the visual impact of the proposed on the AONB and the mitigation provided by the structural landscaping. In addition to the revised ES the applicant has submitted:
- a detailed landscape masterplan and management plan for the structural landscaping to be implemented at year 0;
 - a phasing plan;
 - an indicative block layout plan with proposed landscaping shown on internal areas;
 - sections showing landscaping and the proposed buildings;
 - indicative street scenes showing building typologies; and
 - a revised Design and Access statement.
- 1.15 The revised Landscape Visual Impact Assessment is at **Appendix 6**, taken together with this document it forms the ES.
- 1.16 Section 5 of the ES provides a summary of the environmental impacts of the proposed development and their significance, demonstrating why they have been scoped out of the ES. The wider technical assessments carried out across the site and submitted with the planning application include:
- Indicative Masterplan;
 - Detailed Access Plans;
 - Consultation Statement;



- Design and Access Statement;
- Transport Assessment and Travel Plan;
- Phase 1 and 2 Contaminated Land Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Ecological Assessment;
- Archaeology Assessment;
- Arboricultural Assessment;
- Air Quality Management Assessment;
- Agricultural Land Classification; and
- Noise Report.

1.17 These supporting assessments do not form part of the ES but provide detailed assessment of the environmental impact of the proposed, recommending mitigation where appropriate.

Content of the ES

1.18 In accordance with Schedule 4 of the EIA Regulations, which set out the requirements for information for inclusion in Environmental Statements the ES sets out the following information relating to the development and the measures proposed to avoid, reduce and if possible remedy any significant adverse effects. The references to Parts are to Schedule 4 of the EIA Regulations:

- Sources of Information used and difficulties encountered by the applicant – Part 1 (7), Part 2 (3)
- Description of development - Part 1 (1), Part 2 (1)
- Outline of the main alternatives - Part 1 (2), Part 2 (4)



- Environmental effects, including data for and identification and description of significant environmental effects, and the aspects of the environment likely to be significantly affected – Part 1 (3 & 4)
- Proposed mitigation measures – Part 1 (5), Part 2 (2)
- A non-technical summary – Part 1 (6), Part 2 (5)



2. Baseline Information/Data

Data required to identify and assess the main effects which development is likely to have on the environment

- 2.1 The LVIA has been produced in compliance with the Guidelines for Landscape and Visual Impact Assessment (2013) (The Landscape Institute, Institute of Environmental Management & Assessment, Spon Press and the Landscape Character Assessment: Guidance for England and Scotland (2002) (The Countryside Agency and Scottish Natural Heritage).
- 2.2 The photomontages have been produced in compliance with the Landscape Institutes Advice Notes 01/11: Photography and Photomontages in Landscape and Visual Assessment.
- 2.3 Full details of the assessment, including data sources and methodology, are contained in the Landscape Visual Impact Assessment.

Difficulties encountered in compiling information

- 2.4 There were no difficulties encountered in compiling the required information. The local planning authority confirmed in the Screening Opinion what issues were to be addressed and have been supportive of the process, providing baseline information in the form of relevant landscape assessments, meeting with ADP to agree the methodology and providing advice as the assessments progressed. In addition the Howardian Hills AONB Manager has been available at key meetings to agree the viewpoints and discuss his concerns.
- 2.5 No technical difficulties were encountered during preparation of the Landscape and Visual Baseline of the site.



3. Description of the Development

Description of development with reference to physical characteristics

- 3.1 The application site is located to the west of Malton. It is bounded to the north by Middlecave Road with Castle Howard Road to the south. The A64 runs along the western boundary.
- 3.2 The site is well linked to the existing urban area of Malton, with residential properties bounding the site to the east and Malton School located to the north, off Middlecave Road. The land to the south of the site is Greenfield, sloping down from Castle Howard Road to York Road and the Industrial Estates located here.
- 3.3 Beyond the A64 to the west of the site the character of the area changes from urban to rural with the Howardian Hills Area of Outstanding Natural Beauty (AONB) boundary running through the field immediately to the west of the A64.
- 3.4 The site is largely agricultural land, comprising four fields under Agricultural Holdings (1986) Act tenancies. The tenancies allow for the land to be 'resumed' if the landlord gets consent for non-agricultural development. There is a veterinary surgery located in the north eastern corner of the site with the associated land surrounding split into around 9 smaller enclosures/paddocks plus an outdoor ménage used predominantly for horse grazing and other uses ancillary to the vet's surgery.
- 3.5 The application site is a greenfield site extending 21.4 ha. The Applicant is only proposing to develop approximately 17.7 ha of the site for residential purposes (including greenspaces), whilst the remainder (approx. 3.7 ha) provides a green buffer between the site and the A64 and Castle Howard Road plus another 1.4ha (included within the 18ha developable area) of open space within the site.
- 3.6 The site slopes down towards the A64, with a low point located where the A64 and Castle Howard Road meet. However, it is broadly level with no significant changes in topography.
- 3.7 Existing fields across the site are demarcated by a number of hedgerows, many of which have been closely cropped. There are a number of trees on site and in the surrounding area many of which



are subject to a TPO. As far as is possible trees and hedgerows are to be retained as part of the landscaping scheme for the development.

- 3.8 The proposed development comprises up to 500 residential properties, including a circa 60 units retirement homes (C3), employment (B1), community (D1 & D2) and retail (A1 & A3/4) uses together with significant areas of open space and landscaping. Access is proposed off Middlecave Road and Castle Howard Road.
- 3.9 In addition to the proposed dwellings, the development will provide new areas of publically accessible open space. This runs along the western boundary, providing a buffer with the A64, following along Castle Howard Road to the south and up through the site towards Middlecave Road.
- 3.10 The site is less than 1.6km from Malton Town Centre with the Train Station, Bus Station, shops and services available there.

Description of the development with reference to site, design and size of the development

- 3.11 The proposed development will deliver up to 500 new homes across a range of house types. The aim of the proposal is to increase the choice of housing, support increased opportunity for home ownership and create a sustainable, inclusive and mixed community in accordance with the NPPF.
- 3.12 The total development of the site is 21.4 hectares. A 30m-50m deep woodland boundary is proposed along the western side of the site. This will screen the development from the open fields beyond the A64 by-pass cutting. It will also screen the residents of the proposed development from the road and pylon route.
- 3.13 Approximately 18 hectares has been designated suitable for residential development. Based on the maximum of 500 units the overall density is 28 units per hectare.
- 3.14 The scheme follows New Urbanism principles. New Urbanism references traditional approaches to design, particularly with regards layout and permeability. The proposed scheme is residential led mixed use, designed to promote accessibility and prioritise the role of the pedestrian. Vehicular traffic is not excluded but is better integrated into the environment so as not to dominate. The Design and Access Statement, Indicative Landscape Approach (ref: MP02) (block layout plan) and



Residential Typologies (ref: 137-8) provided with the application provide a detailed understanding of the design approach.

- 3.15 The proposed application is for a maximum of 500 residential units, including 60 retirement apartments. The residential dwellings will be a mix of types including: apartments, bungalows, terraces, detached and semi-detached houses. The precise layouts and mix will be established through the phased reserved matters applications.
- 3.16 Buildings vary in height across the site with some taller buildings. The majority will be residential properties of 2 storeys.
- 3.17 The proposed development also includes a Village Square, Village Green which runs down the length of the development, small scale retail and employment uses.
- 3.18 The applicant has entered into discussions with the Authority regarding the gift of a site for a primary school. Located to the south of the proposed development site it will ensure increased provision for Malton as a whole and contribute to the overall sustainability of the proposed development.
- 3.19 Phasing Plan (ref: PH01 rev B) details the proposed phases of the development which total 13 and include the implementation of the structural landscaping at Phase 1. A detailed Planting Plan is provided for the Structural Planting to be provided at Phase 1 (Phase 1 Planting 1-3 ref: MPO3) along with a detailed Landscape Management Plan at Appendix 1 of the LVIA Chapter.



4. Outline of Alternatives

Outline of main alternatives

- 4.1 The application site chosen is the most logical for the development as it forms a natural extension to the existing town. The applicant owns additional land to the south which has been submitted for consideration through the Development Plan for potential allocation as residential land. However, these fields are more steeply sloping making them unsuited for the development currently proposed. There are no other sites in the Malton and Norton area which are suitable, available and deliverable for the proposed development.



5. Environmental Effects

Initial assessment and identification of potential environmental effects

- 5.1 The site is located at the edge of the existing settlement boundary of Malton with the A64 running along its western boundary. The Ryedale Local Plan Strategy (Policy SP2) identifies small, medium and large extension sites around the towns and within the A64 boundary at Malton as appropriate for residential development. In addition, the Special Qualities Study of Ryedale's Market Towns (2010) identifies it as a Residential Broad Location.
- 5.2 Nevertheless the application site is currently Greenfield and the development proposals of a scale that fall within paragraph 10(b) of Schedule 2 of the Regulations, as such the likely impacts on the environment must be considered and assessed to identify if further assessment through an EIA is required. In recognition of this the applicant instructed a number of technical assessments be completed to identify all environmental impacts of the proposed development at all stages i.e. during construction and once operational.
- 5.3 These reports have been submitted in full as part of the supporting information provided with the planning application. The detailed assessment carried out, impacts identified and mitigation recommended are not repeated here, however, a summary is provided in the following table:

Potential Environmental Effect	Assessment	Environmental Impact
Potential effects on habitats and protected species during construction and operational phases Potential disruption of breeding birds during removal of trees / hedgerows / vegetation Potential disruption of roosting bats during demolition of old farm buildings and through removal of tress / hedgerows / vegetation Adverse impact on wildlife / plant species from potentially contaminated run-of and particularly	Ecological Appraisal and Bat Survey completed by Bowland Ecology	No Significant Impact resulting from the development



the River Derwent SSSI and SAC		
<p>Potential flood risk to nearby off site properties at a lower level from raised ground levels</p> <p>Potential groundwater flood risk dependent on capacity of local drainage systems to cope with increased demand</p> <p>Possible flood risk due to increased surface water runoff associated with new development</p>	<p>Flood Risk Assessment Report completed by ARP Associates</p>	<p>No Significant Impact resulting from the development</p>
<p>Impact of construction traffic</p> <p>Increase in traffic on adjacent highway network, with implications for safety of road users</p> <p>Increases in traffic noise, air pollution and fumes</p> <p>Increased traffic through Butchers Corner and the wider Malton Highway Network</p> <p>Increased instances of traffic diversion through the AONB</p>	<p>Transport Assessment and Framework Travel Plan completed by Bryan G Hall</p> <p>In addition a Technical Note has been produced assessing the potential worst case impact on the AONB (updated October 2014)</p>	<p>No Significant Impact resulting from the development.</p>
<p>Potential dust and particulate releases during building clearance and construction</p> <p>Short/medium term changes in local air quality due to exhaust emissions from site traffic and site plant during site preparation and construction</p> <p>Exhaust emissions from operational traffic on the surrounding area and nearby AQMA</p> <p>Environmental emissions from uses and plant within the development</p>	<p>Air Quality Assessment completed by AECOM</p>	<p>No Significant Impact resulting from the development.</p>
<p>Noise and vibration impact resulting from construction activities</p> <p>Road traffic noise from the A64 impacting on the proposed residential development</p> <p>Road traffic noise associated with operational traffic</p>	<p>Noise Assessment completed by Aecom</p>	<p>No Significant Impact resulting from the development.</p>



Noise and vibration impact resulting from the employment and retail uses		
Potential disturbance and/or loss of archaeology Potential impact on the setting of the nearby Conservation Area and Listed Buildings	Archaeology Evaluation by Trail Trenching completed by MAP Archaeological Practice Ltd Landscape and Visual impact Assessment completed by Lathams and Andrew Davis Partnership	No Significant Impact resulting from the development.
Demolition and site excavation may expose additional contaminating substances due to previous uses on the site Potential for pollution incidents associated with construction, plant activities and later during the operational phase Creation of new contaminant pathways Alteration of migration pattern of any current mobile contamination including ground gases	Ground Conditions Phase 1 and 2 Assessments completed by ARP	No Significant Impact resulting from the development.
Loss of best and most versatile agricultural land.	Agricultural Land Classification completed by Stephen King	No significant impact resulting from the development.
Impacts upon public views within and adjoining the site during the construction phase Impact on views from the adjoining AONB, a highly sensitive landscape Visual impact of construction effects – temporary lighting, fencing, site access, security measures, temporary buildings, intense activity.	Landscape and Visual impact Assessment completed by Lathams and Andrew Davis Partnership	Potential significant impact on the AONB during construction and operation stages.



6. Significant Environmental Effects

Aspects of the environment likely to be significantly affected by the development

- 6.1 The first Landscape and Visual Impact Assessment, completed by Lathams and submitted with the planning application did not fully assess the impact of the proposed on the AONB. The Authority therefore deemed it necessary for an ES to be provided with the application to ensure that landscape impacts associated with the proposed development together with mitigation measures are robustly identified in order to inform the decision making process.
- 6.2 The Screening Opinion produced by the Authority states that elements of the proposal are of a substantial height and it is considered that the scale and characteristics of the development is therefore significantly different to the existing use of the site.
- 6.3 The Authority consider that the site together with a triangular shaped field to the west of the A64 form the setting of the AONB and therefore it is a sensitive location in terms of visual impact and landscape character. Furthermore the development has potential visual impacts due to public footpaths which lead into and through parts of the AONB and is visible from some, albeit limited, locations within the AONB.
- 6.4 The applicant agreed early on in the assessment process to mitigate in advance of the proposed development. This is achieved through the provision of a belt of the substantial planting proposed along the A64 boundary and the Castle Howard Road boundary. This allows the new planting time to mature whilst the development is being constructed, reinforcing the existing screening around the site.
- 6.5 In addition the development is being phased over a minimum of 10 years. The landscape and visual impact of the proposed has directly influenced the phasing of the built development on site, notwithstanding the Phase 1 structural planting.
- 6.6 Because the mitigation is in advance and the development is phased, the ES assesses the effects of the proposed over the construction and operation periods allowing for the mitigating effects of the maturing screening planting. This is considered to be the most robust method.



Description of the likely significant effects of the development on the environment

- 6.7 The likely effects of the development on the visual quality of the area have been assessed by means of the amended Landscape Visual Impact Assessment (LVIA) prepared by Andrew Davis Partnership (ADP) and Michael Spence (MS Environmental) which is submitted as Appendix 7, part of this ES. The methodology for the assessment and key viewpoints has been agreed with the Authority and AONB Manager. The full report is submitted as part of this ES and the two should be read in conjunction.

On Site - Landscape Impact

- 6.8 As outlined in the LVIA chapter, the principal landscape type within the application site is arable farmland as the majority of the site is cereal crop which represents the majority of the fields within the area. There will be a net loss in the principal landscape type of arable land which will be replaced by buildings, hard standing and infrastructure planting. However, the landscape resource of is of low value, important only at local level and is adequately represented throughout the area. Therefore its loss is not significant.
- 6.9 The landscape resource which is of high value is the boundary vegetation which is important as a physical boundary in landscape pattern and for wildlife movement and the mature trees on site. All the boundary hedgerows and protected trees will be retained and strengthened with native planting reinforcing their position in the landscape.
- 6.10 The internal clipped hedgerows are available as a landscape resource for similar reasons but they are less species rich and with fewer trees than the boundary vegetation. The development will result in a loss of internal hedgerows and arable land replaced by development but this loss will be offset by a substantial increase in native planting, which has amenity and wildlife benefits. As a result this loss is not assessed as significant.

Off Site – Landscape Character

- 6.11 The LVIA chapter identifies a number of potential impacts on the landscape character of the AONB and other landscape designations affected by the proposed development including a number of opportunities for the development to reinforce key characteristics including:



- Creating, extending and linking woodlands;
- Restoring hedgerows, hedgerow trees and infield trees;
- Managing existing woodland and expanding tree cover;
- Screening existing development and future settlement-edge development with woodland;
- Maintain the contrast between wooded scarp slope and open dip slope, reinforce the framework of hedges and encourage sensitive woodland management;
- Locally restore and enhance wetlands;
- Identify opportunities for enhancing the A64 corridor (through landscape assessment)

6.12 The proposed landscaping, particularly the structural landscaping implemented at phase 1 not only mitigates the impact of the development but will introduce a key characteristic of the AONB (woodland) to the site which forms part of the AONB's setting.

Off Site - Visual Impact

6.13 The LVIA has identified principal views of the site from the north west and south. Existing vegetation controls the views towards the site from these locations whilst existing housing controls views from the east. There are three principal receptor groups that will be affected as a result of development, pedestrians along public rights of way, motorists and homeowners. The sensitivity of these receptors differs, for example, motorists are less sensitive being transient receptors and home owners are more sensitive being static.

6.14 There are views from properties on the eastern boundary, however these are restricted to upper storey bedroom/bathroom windows and are limited due to existing vegetation. Similarly the views of motorists and pedestrians are limited due to topography and existing vegetation and are largely glimpsed views as they move through the landscape.

6.15 The most sensitive views identified are those from within the AONB which is a sensitive area in landscape visual terms. The topography of the area controls these views, limiting the extent of the visual envelope identified (Plan 7). This limits any lasting impact on the wider landscape setting of the AONB and surrounding landscape character areas.



- 6.16 Views are limited by the existing and proposed vegetation, reducing the overall magnitude of the impact. Those viewpoints that have been identified are largely restricted to pedestrians using footpaths, with some visible to motorists. Views of the site from these viewpoints are glimpsed views, by less sensitive, transient receptors. The existing edge of Malton is already clearly visible from many of these view points and the A64 is audible with high sided vehicles visible.
- 6.17 Full details of the identification and assessment of each viewpoint with the accompanying plans, mapping, photographs and photomontages is in the LVIA and is summarised in the Table below:

View Point	Nature	Magnitude	Overall Significance
1	Adverse	Low	Moderate
2	Adverse	Moderate	Moderate
3	Adverse	Very Low	Minor
4	Adverse	Moderate	Minor
5	Adverse	Moderate	Minor
6	Adverse	Moderate	Minor
7	Adverse	Low	Moderate
8	Adverse	Very Low	Neutral
9	Adverse	Very Low	Neutral
10	Adverse	High	Moderate
11	Adverse	High	Moderate
12	Adverse	High	Moderate
13	Adverse	High	Moderate



14	Adverse	High	Moderate
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6.18 The assessment concludes that although there are predominantly adverse and moderate impacts during the construction phases the residual impacts are significantly reduced by careful phasing, the high quality design of the proposed and incorporation of substantial landscape infrastructure planting. The **residual impact** of the development is found to be **Minor adverse**.



7. Mitigation

Measures envisaged to prevent, reduce and where possible, offset any significant adverse effects on the environment

7.1 The LVIA splits the mitigation measures into Primary and Secondary mitigation measures. The primary mitigation measures have been incorporated into the landscape masterplan and include the following:

- Retention and enhancement of all existing boundary tree belts and hedgerows;
- Incorporation of significant areas of internal infrastructure landscape to integrate 'built' element into the valley side;
- Implementation of phase 1 infrastructure landscaping to the Western and Southern boundary to include advance stock trees in particular adjacent to the A64 and spine roads;
- Implementation of feathered trees within native structure planting areas to create a naturalistic appearance in the short term but to maximise the chances of successful establishment in the operational phase;
- The quality and mix of architectural elements create a mosaic of built-form with landscaping rather than one homogenous mass.

7.2 A secondary mitigation measure is a willingness to agree the scope of a 5-year landscape management plan, to ensure the longevity of the existing and proposed landscape infrastructure and maintain landscape quality (included at Appendix 1 of the LVIA chapter).

Description of the measures envisaged to avoid, reduce and/or remedy significant adverse effects

7.3 The structural planting provided at Phase 1 and detailed in the Phase 1 Planting Plans 1-3 (ref:MP03) along with the Indicative Landscape Masterplan and (MP01) and Indicative Landscape



approach (MP02) demonstrate the impacts of the proposed are minimised in the first instance and mitigated where necessary.

- 7.4 The Phasing Plan (ref:PH01) and Phase 1 Planting Plans 1-3 (ref:MP03) also provide a mechanism for those elements of the landscaping required for mitigation to be conditioned.
- 7.5 The retention of mature hedgerows and trees on and around the site has been identified through the LVIA and other environmental assessments as necessary both to minimise the impact of the development on the environment (e.g. removal of habitat and resultant impact on biodiversity) and as part of the mitigation required to screen the development.
- 7.6 The perimeter infrastructure planting provides screening both in relation to noise from the development and the adjacent A64 and the visual impact of the development on surrounding views. This is particularly in relation to the AONB but also along Castle Howard Road. The LVIA recommends that a belt of this planting be implemented at year 0 to ensure that the screening planting has time to mature as the development progresses.
- 7.7 In addition, the scale and nature of the perimeter infrastructure planting areas allow for the creation for significant new habitats, including an attenuation pond, which is a benefit against which the impact of the proposed can be offset.
- 7.8 The Indicative Landscape Masterplan (ref: MP01) allows for significant greenspace across the site and along with the Indicative Landscape Approach (ref: MP02) provides a clear framework for the future detailed landscaping scheme and management plan to be drawn up for the wider site as part of the detailed planning application process.
- 7.9 The open space proposed to the east of the site and running along the spine road will largely act as amenity space for the community, providing benefits in relation to health and wellbeing. In addition, the retention of mature trees and careful choice of planting here can ensure this space maximises biodiversity as well as minimising the impact of views into the site at this location.
- 7.10 Wider amenity planting within the development also has the potential to soften the appearance of the development and provide foraging opportunities for wildlife.



- 7.11 Additional mitigation of the environmental effects can be achieved at the reserved matters application stage when detailed appearance, scale, layout and internal landscaping can be agreed and additional assessment of key views can be provided.
- 7.12 These mitigation measures can all be secured through condition and will ensure that the residual impact of the proposed development is **minor** adverse.



8. Non-technical summary

Land Use & Site Context

- 8.1 The application site is located to the west of Malton and is bounded to the north by Middlecave Road with Castle Howard Road to the south. The A64 runs along the western boundary.
- 8.2 The application site extends to approximately 21.4 ha and is largely agricultural land, comprising four fields. There is a veterinary surgery located in the north eastern corner of the site with the associated land surrounding split into around 9 smaller enclosures / paddocks plus an outdoor ménage used predominately for horse grazing and other uses ancillary to the vet's surgery.
- 8.3 The site slopes down towards the A64, with a low point located where the A64 and Castle Howard Road meet. However, it is broadly level with no significant changes in level.
- 8.4 Existing fields across the site are demarcated by a number of hedgerows, many of which have been closely cropped. There are a number of trees on site and in the surrounding area. The only trees subject to a TPO are located outside of the site along the edge of Castle Howard Road.

Description of Development

- 8.5 The proposed development is for up to 500 residential properties, including a 60 units retirement homes, employment, community and retail uses together with open space and landscaping. Access is a reserved matter but will be off Middlecave Road and Castle Howard Road.
- 8.6 The development will provide new areas of publically accessible open space. This runs along the western boundary, providing a buffer with the A64, following along Castle Howard Road to the south and up through the site towards Middlecave Road.
- 8.7 The residential dwellings include apartments, bungalows, terraces, detached and semi-detached houses. A mix of tenures will also be proposed. The precise layouts and mix will be established through the phased reserved matters applications.



Alternatives

- 8.8 The development site chosen is the most logical for the development as it forms a natural extension to the existing town. The applicant owns additional land to the south which has been submitted for consideration through the development plan for potential allocation as residential land. However, these fields are more steeply sloping making them unsuited for the development currently proposed. There are no other sites in the Malton and Norton area which are suitable, available and deliverable for the proposed development.

Scope of Assessment

- 8.9 The Screening Opinion issued by the Authority considers that the proposal is likely to result in a significant effect in terms of landscape character and visual impact and is in a sensitive location adjacent to the Howardian Hills AONB and is located within the setting of the AONB.
- 8.10 To address this we instructed a new professional landscape architect to undertake a Landscape and Visual Impact Assessment.

Assessment of Impact & Conclusions

- 8.11 There will be a net loss in the principal landscape type of arable land, however the landscape resource is of low value, important only at local level and is adequately represented throughout the area. Therefore, the loss is not significant.
- 8.12 The landscape resource which is of high value is the boundary vegetation which will be retained and strengthened with native planting reinforcing its position in the landscape.
- 8.13 The LVIA has identified principle views of the site from the north west and south. There are three principal receptor groups that will be affected as a result of development, pedestrians along public rights of way, motorists and homeowners.
- 8.14 There are views from upper storey bedroom/bathroom windows of the properties on the eastern boundary will be limited due to existing vegetation. Similarly, views of motorists and pedestrians are limited due to topography and existing vegetation and are largely glimpse views as they move through the landscape.



- 8.15 Only limited views of the site are identified from within the AONB limiting the lasting impact on the wider landscape setting of the AONB and surrounding landscape character areas.
- 8.16 The most sensitive views identified are those from within the AONB which is a sensitive environment. Those viewpoints that have been identified are largely restricted to pedestrians using footpaths with some visible to motorists. These views are glimpsed views, existing development along the edge of Malton is already visible and views are limited by the existing vegetation reducing the overall magnitude of the impact.
- 8.17 The LVIA splits the mitigation measures into Primary and Secondary mitigation measures. The primary mitigation measures include retention and enhancement of all existing boundary tree belts and hedgerows, internal infrastructure landscaping, advance tree planting to A64 and castle Howard Road and implementation of feathered trees within native structure planting areas.
- 8.18 A secondary mitigation measure is the willingness to agree the scope of a 5-year landscape management plan, to ensure the longevity of the existing and proposed landscape infrastructure and maintain landscape quality.
- 8.19 Finally additional mitigation can be secured through the detailed planning stage where the scale, appearance and location of buildings can be agreed. The proposed high quality design of the scheme, mix of architectural elements and materials will create a mosaic of built form with landscaping rather than a homogeneous mass.
- 8.20 These mitigation measures can all be secured through condition and the Reserved Matters process and will ensure that the residential impact of the proposed is **minor** adverse.



Appendix 1



Our Ref: 05B308081

12th June 2014

Development Management
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Dear Sir/Madam,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND) REGULATIONS 2011: REQUEST FOR SCREENING OPINION PURSUANT TO REGULATION 5 DEVELOPMENT PROPOSAL- LAND OFF CASTLE HOWARD ROAD, MALTON, NORTH YORKSHIRE

We write on behalf of our client the Fitzwilliam Malton Estate, to formally request the adoption of a Screening Opinion pursuant to Regulation 5 of the above Regulations, in relation to the following proposed development on land off Castle Howard Road, Malton.

The proposals for the site are currently the subject of an outline application with detailed access (all other matters reserved) lodged with Ryedale District Council. The description of development is:

Residential development (500 units) including a 60 unit Retirement Home plus ancillary Employment (B1, B1c), Community (D1/D2) and Retail (A1/A3/A4) Uses at land off Castle Howard Road, Malton.

It is our view that the site does not constitute an EIA development for which an Environmental Statement would be required. This request for screening should be read in conjunction with the following submitted documents:

- Location Plan;
- Site Plan with detailed access;
- Planning Statement;
- Consultation Statement;
- Design and Access Statement;
- Transport Assessment and Travel Plan;
- Phase 1 and 2 Contaminated Land Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Ecological Assessment;
- Archaeology Assessment;
- Arboreal Assessment;

- Air Quality Management Assessment;
- Noise Report; and
- Landscape and Visual Impact Assessment.

The site

The application site is located to the west of Malton. It is bounded to the north by Middlecave Road with Castle Howard Road to the south. The A64 runs along the western boundary.

The site extends 21.4ha and is largely agricultural land, comprising four fields under Agricultural Holdings (1986) Act tenancies. The tenancies allow for the land to be 'resumed' if the landlord gets consent for non-agricultural development. There is a veterinary surgery located in the north eastern corner of the site with the associated land surrounding split into around 9 smaller enclosures/paddocks plus an outdoor ménage used predominantly for horse grazing and other uses ancillary to the vet's surgery.

The site slopes down towards the A64, with a low point located where the A64 and Castle Howard Road meet. However, it is broadly level with no significant changes in level. Existing fields across the site are demarcated by a number of hedgerows, many of which have been closely cropped. There are a number of trees on site and in the surrounding area. The only trees subject to a TPO are located outside of the site along the edge of Castle Howard Road.

There is a public right of way along the western edge of the site, linking Middlecave Road and Castle Howard Road. The EA's online Flood Risk Map shows the site to be located in Flood Zone 1 and so it is not considered to be at risk from flooding.

The site is well linked to the existing urban area of Malton, with residential properties bounding the site to the east and Malton School located to the north, off Middlecave Road. The land to the south of the site is Greenfield, sloping down from Castle Howard Road to York Road and the Industrial Estates located here.

Beyond the A64 to the west of the site the character of the area changes from urban to rural with the Howardian Hills Area of Outstanding Natural Beauty (AONB) boundary running through the field immediately to the west of the A64.

Determining whether an Environmental Impact Assessment is required

The determination of whether EIA is required rests in the consideration of whether the development is:

- Schedule 1 development – in which case EIA is necessary; or
- Schedule 2 development – in which case EIA is necessary only if the development is likely to have significant environmental effects as referenced in Schedule 3 of the Regulations.

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The proposed development does not meet any of the categories of development in Schedule 1 of the Regulations for which EIA is mandatory. However, it could be considered to fall within one of the categories of development set out in Schedule 2 of the Regulations, namely Category 10b 'urban development project'.

Whilst the Regulations note that urban development projects may include shopping centres and car parks, the list is not exhaustive and the EU Directive 85/337/EEC Interpretation of definitions of certain project categories of annex I and II of the EIA Directive states that housing development should also be considered to fall within the 'urban development project' category within category 10 Infrastructure projects.

Accordingly it is necessary to consider whether the development would be located in a 'sensitive area' as defined in the Regulations and whether it would meet the relevant thresholds and criteria contained in Schedule 2 of the Regulations. If it does, the development would be deemed 'Schedule 2' for the purposes of the Regulations and it would then be necessary to consider whether it would be likely to have 'significant' environmental effects.

Sensitive area

The Regulations define sensitive areas as being:

- Sites of Special Scientific Interest (including the consultation areas);
- Land to which Nature Conservation Orders apply;
- International conservation sites;
- National Parks;
- Areas of Outstanding Natural Beauty;
- World Heritage Sites;
- Scheduled Monuments.

The site is not located within a 'sensitive area' and no Nature Conservation Order applies to the site. However, the site is acknowledged to be located in close proximity to the Howardian Hills Area of Outstanding Natural Beauty and regard must be had to the impact of the proposed on this area. A Landscape and Visual Impacts Assessment has been provided on this basis.

The River Derwent SSSI and SAC lie approximately 750m to the south of the site. The impact of the proposed on this area has been assessed in the Ecology Survey and Flood Risk Assessment.

Initial searches indicate that the site contains Historic Environment Records (HER), though this is not unusual within this area. An initial field evaluation has taken place to explore the matter further and the planning application is accompanied by an Archaeological and Heritage Assessment which demonstrates no significant environmental effect.

The site's location in close proximity to a sensitive area as defined by the Regulations, requires a robust assessment of the potential effects which could arise from any development. Therefore we go on to consider the potential impacts of the proposal in more detail, with regards to the relevant thresholds and criteria of Schedule 2.

Schedule 2 Thresholds and Criteria

Relevant thresholds and criteria for categories of development listed in Schedule 2 are contained in the second column of the Schedule. The 'urban development projects' category has a threshold of 0.5 hectares. In this case 0.5 hectares is exceeded and this prompts consideration of the potential significance of any environmental effects.

A level of judgement needs to be applied to determining whether significant effects from a development are likely. In considering whether EIA is required, regard should be had to the following criteria set out in Schedule 3 of the Regulations:

- The characteristics of the development – with particular regard to the size of the development, cumulation with other developments, the use of natural resources, production of waste pollution and nuisances and the risk of accidents;
- the location of a development - the more environmentally sensitive the location, the lower the threshold at which significant effects will be likely; or
- the characteristics of the potential impact – the greater the magnitude and complexity of the impact the more significant it will be.

Significant Environmental Effects

What may constitute a 'significant' effect must be assessed on the basis of the individual quantifiable facts and evidence base available relative to a particular development proposal. Given the sensitivity of the nearby AONB and River Derwent SAC and SSI, this screening opinion is based on detailed assessment of the impacts of the proposed development.

In considering the selection criteria set out in Schedule 3 of the Regulations, a rational view must be taken on the likelihood of effects arising. In our view, EIA is more likely to be required where a development is:

- a significant development of more than local importance;
- has significant impacts on an environmentally sensitive or vulnerable location; or
- a development with unusually complex or potentially hazardous environmental effects.

It is relevant to note that the basic test for the need for environmental assessment in a particular case is the likelihood of 'significant' effects on the environment.

Characteristics of the development

The indicative scheme masterplan shows a proposed development of 500 dwellings, plus ancillary Employment (B1, B1c), Community (D1/D2) and Retail (A1/A3/A4) uses across the 21.4ha site. This equates to a density of 28 dwellings per hectare. This density is commensurate with the existing residential area and is considered to be appropriate based on the edge-of-urban location of the site.

A parameters plan has been produced showing maximum heights across the site. These reflect the topography of the site and sensitivity of the surrounding area. The majority of the site is 2 storey with some taller buildings located to the east of the site, providing key points of interest which enable users of the site to orientate themselves.

Cumulative impact alongside other development

We have conducted a search of the site context, focusing on an area within 1km from the site. We have identified one major committed development and one major potential development scheme to the north of the site, off Broughton Road and one major potential development scheme on The Showfield, Malton.

The committed Broughton Road scheme includes 262 residential dwellings with associated garages, public open space and substation. Development has commenced on this site and is on-going at the time of submission. When the application for this development was considered by the Council it was not found to have any significant environmental impacts and an EIA was not required.

The assessments provided in support of this application and Screening Opinion have taken account of the approved development on Broughton Road. Given the scale of impacts identified and appropriateness of residential use within the context of the site, it is not considered that the proposal would give rise to any significant impacts, either on its own or cumulative with other approved developments which would give rise to significant environmental effects such as would justify an EIA.

A further application has been submitted for an additional 83 dwellings on the former allotments, located within this wider site off Broughton Road and Outgang Lane. In addition, the proposed development on The Showfield comprises 227 residential dwellings with associated infrastructure. Both applications are pending consideration. As these sites do not benefit from planning permission it is not considered that there will be a cumulative impact in relation to the subject proposals in the present circumstances.

The Council should give due consideration to any other scheme(s) that may be considered relevant to the present proposals, for the purposes of cumulative impacts in EIA terms.

Use of natural resources and the production of waste

The development will not result in a significant use of natural resources. Resource use will be confined to construction materials and on-going running costs such as power and water. The proposed development would not be a high user of natural resources during the construction or operational stages.

Location of development

The site does not form nor is it located within an area of environmental sensitivity as defined in the Regulations. The existing land use has limited inherent value in terms of natural resources and the environment.

The site is located adjacent to the Howardian Hills AONB, an area of environmental sensitivity. The assessments provided demonstrate that the proposed will only have a visual impact on this area and that this will not be significant. Those impacts which do arise are mitigated by the significant quantity and quality of the landscaping proposed.

The developable area of the site is not within an area at risk of flooding, according to the Environment Agency's online mapping tool; nevertheless, a Flood Risk Assessment has been prepared and is submitted with the application and Screening. This demonstrates no impact from the proposed on the River Derwent SAC and SSSI, which is located sufficiently far enough away to be unaffected by runoff associated with the development.

The ecology assessment of the proposed development similarly identifies no impact on the River Derwent SAC and SSSI.

As a result of the above, the location of development is not considered likely to give rise to significant environmental effects sufficient to warrant an EIA.

Characteristics of the potential impact

The characteristics of the effects envisaged from the development are not considered to create any distinct or unusual potential effects. The following matters are considered to be the relevant environmental considerations in line with the criteria of Schedule 3 (3). There are not considered to be any trans-frontier impacts, although where we consider an impact to be reversible / irreversible, permanent or temporary, direct or indirect we set this out below.

Traffic and Transportation

The application is accompanied by a full Transport Assessment. The transport analysis demonstrates that the proposed access arrangements are deliverable and do not give rise to issues of highway safety or air quality.

The residential development will be served by a new access from Castle Howard Road with some limited access off Middlecave Road. The access points provide a suitable highways environment in terms of safety and capacity. The Transport Assessment demonstrates capacity of the road network is not impacted significantly by increased demand and provides mitigation where necessary.

The proposals will include provision of sufficient car parking in line with planning policy. A Framework Travel Plan has been provided which will encourage the use of sustainable modes of transport. The proposals will include sufficient provision of cycle parking, with reference to planning policy.

It is not considered likely that there will be any significant transport impacts that cannot be mitigated satisfactorily and fully considered through the normal planning process. The scale of the development is not significant in the context of the road and transportation infrastructure within the vicinity of the site, nor the wider context.

It is considered that the development is in accordance with the relevant policy guidance and that the transport demand generated by the proposed land uses can be successfully accommodated by the local highway, public transport, walking and cycling networks. Any impacts will be of a local and manageable nature, which can be fully considered via the planning process and addressed through tried and tested mitigation measures which are known to be effective.

Air Quality

The proposed development will not result in any significant effects on air quality during the operation phase, given that the proposed use is residential.

The effects from the construction phase have the potential to be high, relating to dust soiling during the construction phase, based on a very much worst case scenario. However, these are not considered likely to be significant when taking account of the mitigation measures proposed and particularly as there are effective controls available to the local authority to ensure nuisance effects do not occur to surrounding receptors.

Noise and Vibration

A Noise Assessment has been carried out assessing both the impact of the proposed on existing Noise Sensitive Receptors and the impact of existing noise from the A64 on the proposed development. Noise impacts associated with changes in road traffic noise as a result of the proposed development are shown to be minor or negligible and in some cases there will be an improvement as a result of the proposed. A number of recommendations are made to mitigate the impact of noise from the A64 on the proposed.

Noise and vibration as a result of demolition and construction will be adequately controlled with tried and tested methods (such as controlled working hours) and these effects will be temporary in nature.

Socio-Economic

The proposals will result in the introduction of residential floorspace, which is appropriate to the area and will help to meet housing need and demand. The residential floorspace will include a mix of private units and affordable housing provision. The proposals will also provide construction jobs and related economic benefits.

The proposal is not of a size or development type that would give rise to significant socio-economic effects in terms of the provisions of the Regulations. Any impacts from the development can be satisfactorily assessed and mitigated, where relevant, at a local level through tried and tested means that are known to be effective.

Daylight and Sunlight

No significant impact is envisaged on the daylight and sunlight of light sensitive neighbours given the scale of the proposals and distance to neighbouring properties of the proposed buildings. Any impacts would in any case be local and insufficient to result in a requirement for an EIA.

Ecology

A Phase 1 Habitat Survey Report has been prepared in support of the application and Screening. The survey results demonstrate that overall the ecological value of the site is limited, consistent with the agricultural use. A number of trees and hedges within the site provide habitat and foraging potential and are recommended for retention where possible or replacement through the detailed landscaping design.

There is potential for the Vets Surgery and associated buildings to support bats, and a survey of this area is underway. No other additional surveys are recommended, however, a number of recommendations are made in relation to protecting wildlife during construction and mitigating against any loss of habitat within the development site.

The above investigations notwithstanding, there is noted as being no insurmountable ecological barrier to development on this site.

Overall, the site has limited ecological value and no substantial impacts are anticipated. Any impacts will be manageable with recognised and accepted mitigation, where relevant, and are unlikely to be of any more than local importance or of significance with regards to the provisions of the EIA Regulations.

The site does not include any trees that are subject to Tree Preservation Orders although there are mature trees within the main area of the site. An arboricultural survey has been

undertaken and recommendations made regarding the retention of some trees and hedges within the site. It is recognised that the significant quantum of greenspace proposed across the site provides opportunities to bring about an ecological improvement to the site, secured through a suitably worded condition. Any impacts from the development can be satisfactorily assessed and mitigated, where relevant, at a local level through tried and tested means that are known to be effective.

Landscape and Visual Impact (including built heritage)

A Landscape and Visual Impact Assessment (LVIA) was commissioned to assess the impact of the proposed, based on the indicative design of the scheme, on the wider landscape. The site location, in close proximity to the Howardian Hills AONB required this additional assessment to be undertaken. The impact on the nearby Conservation Area and Listed Buildings has also been considered.

The LVIA identifies key views of the site, in consultation with Ryedale District Council and English Heritage and assesses the impact of the proposed on these, concluding that the proposed is not highly visible due to the topography and existing landscaping. Where the development is visible, the high quality design and significant landscaping proposed will mitigate sufficiently. As such there are no issues of significance with regards to the EIA Regulations.

Archaeology

An Archaeological Evaluation by Trial Trenching was prepared in December 2013. The report concluded that the deep ploughing activity associated with the agricultural use of the site has adversely affected and removed any archaeology of value from the site. No further archaeological work is recommended.

Ground Conditions

A Phase 1 and Phase 2 Geotechnical Survey have been carried out on site. The reports identify no significant likely ground contamination and confirm the site is suitable for the use of soakaways as part of a wider drainage strategy. Groundwater contamination risk is considered to be very low. No site remediation measures are identified as necessary.

Any waste materials generated by the ground works would be classified and segregated by material type to minimise disposal costs. Any contamination found will be fully mitigated using tried and tested methods that are known to be effective. There are therefore unlikely to be any significant effects.

Sustainability and Energy

The sustainable design and energy efficiency of the proposed buildings will be addressed locally through assessment against relevant planning policies and using recognised assessment methodologies. Given the limited scale of the development, with regards to

the provisions of the Regulations, these issues can be fully addressed through the planning process and there is no need for an EIA therefore.

Surface Water and Flood Risk

Under the proposals, a significant amount shared open space, permeable paving and private garden spaces will allow for sufficient surface water infiltration. The detailed proposals will be designed to ensure that run-off levels are appropriate and in accordance with the overall drainage strategy for the site.

The developable area of the site is not within an area at risk of flooding, according to the Environment Agency's online flood risk map.

Conclusions

Given the nature of the development and lack of sensitivity of the site in EIA terms, it is concluded that any effects of the development will be local to the site and its immediate surroundings and no 'significant environmental effects' are likely to arise.

For the reasons set out above, these effects are not considered significant or of an unusually complex nature. Any effects will be of local importance and, as a result, the likely effects are capable of being properly considered as part of the normal planning application process and do not warrant an EIA.

As such, it is our view that the proposed development does not comprise EIA development and that no Environmental Statement should be required to accompany the planning application.

We therefore kindly request that the local planning authority adopts a Screening Opinion to confirm that no Environmental Statement will be required for the proposal. In accordance with Regulation 5(5) we look forward to hearing from you within the statutory 21 day period.

Please do not hesitate to contact me if you wish to discuss anything further.

Yours sincerely,

Hannah Andrew MRIP
Principal Planner
For and on behalf of GVA

gva.co.uk

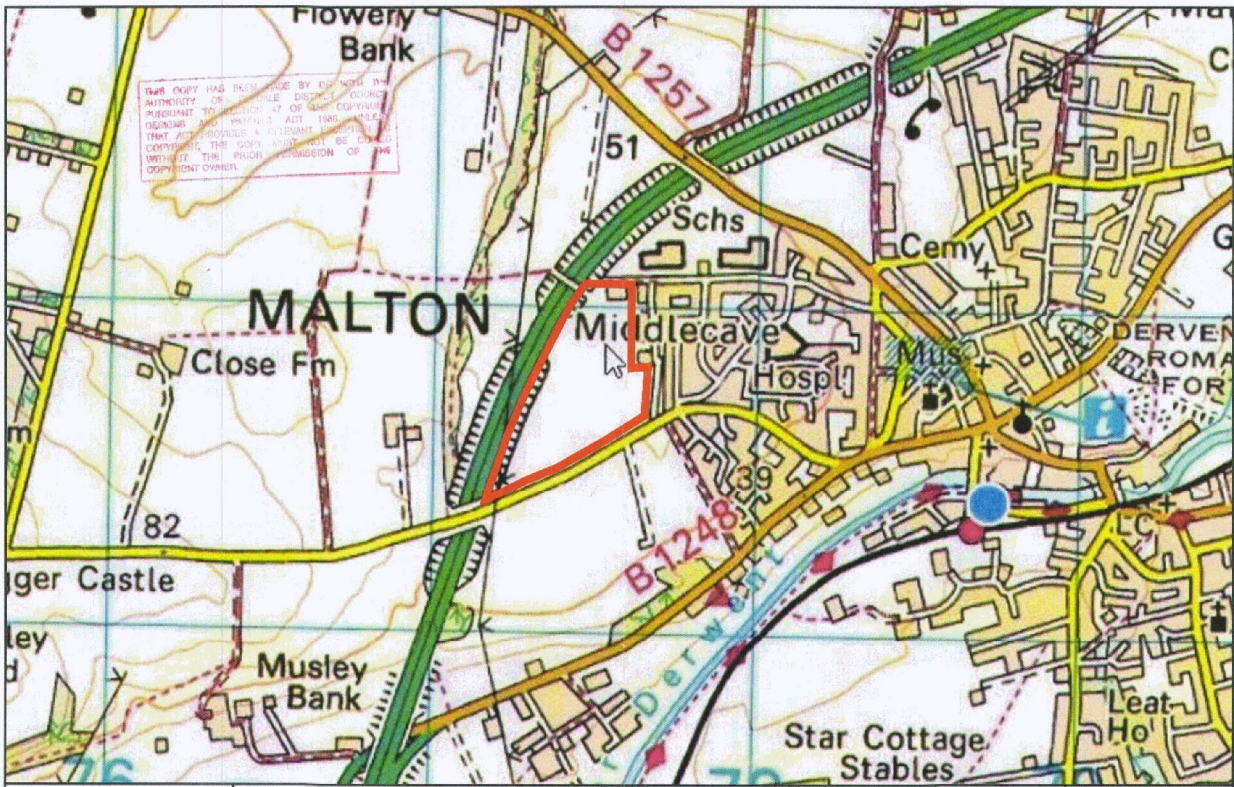


Appendix 2

Jan Maciag Architects 21 Commerce Road Lynch Wood Peterborough PE2 6LR (01733) 391953	Project High Malton	Drawing Title Red Line Plan on existing	Date May 2014	DRAWING NUMBER 137-5a
			Scale 1:1000	

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NOTES:

Client
The Fitzwilliam Malton Estate

Job Title
Castle Howard Road, Malton, North Yorkshire

Scale @ A3
1:10000

Drawn by
IAC

Date
Oct 2013

Drawing Title
Location Plan 2

Drw.No.
8757-LP-2

Rev.



Appendix 3



Ms Hannah Andrew
GVA
First Floor
City Point
29 King Street
Leeds
LS1 2HL

25 July 2014

Dear Ms Andrew

APPLICATION NO: 14/00681/SCR

DESCRIPTION: Screening opinion for residential development of 500 units

LOCATION: Land North Of Castle Howard Road Malton North Yorkshire

With reference to your letter dated 12 June 2014 requesting a formal screening opinion of the Local Planning Authority under the above regulations and in respect of the above proposal.

This screening opinion is made under Section 5 of the Regulations and is informed by the information that you have provided to the Local Planning Authority to date.

Having reviewed the application details and information and the screening request details submitted to the Local Planning Authority, I can confirm that under the provisions of the legislation, the proposal is not a Schedule 1 development as it is not one of the projects listed in the legislation as Schedule 1 development.

It is the opinion of the Local Planning Authority that the proposal is Schedule 2 development, being an urban development project which exceeds 0.5 ha in area. As such the proposal must be screened in accordance with Schedule 3 of the Regulations which requires the consideration of three matters:

- Characteristics of development
- Location of development
- Characteristics of the potential impact

Having taken into account the selection criteria listed above, the Local Planning Authority is of the opinion that because of its nature, size and location, having regard to the environmental sensitivity of the area, the proposed development is EIA development and consequently an Environmental Statement is required to accompany the application. This particularly relates to the fact that it is considered that the proposal is likely to result in a significant effect in terms of landscape character and visual impact and is in a sensitive location adjacent to the Howardian Hills AONB and is located within the setting of the AONB.

The site area is 21.75 ha and is of a scale which is significantly above the 0.5 ha threshold in the 2011 regulations. The site is currently largely in agricultural use and the character will be altered by the proposal. Elements of the proposal are of a substantial height and it is considered that the scale and characteristics of the development is therefore significantly different to the existing use of the site.

The site lies in close proximity to the boundary of the Howardian Hills Area of Outstanding Natural Beauty. It comprises gently undulating fields which provide a soft rural edge to the Town. Through a combination of landform, tree cover and hedging there is very little visual evidence to suggest that the site actually abuts the existing built up area of a Town. The site together with a triangular shaped field to the west of the A64 form the setting of the AONB and the Local Planning Authority consider it to be a sensitive location in terms visual impact and landscape character. The development will be visible from Public Rights of Way which lead into and through parts of the AONB and is visible from some, albeit limited locations within the AONB.

The Landscape and Visual Impact Assessment prepared to support the proposal concludes that at one location(which whilst outside of the AONB is on a route used by users of the AONB) the impact associated with some elements of the development (the lower structures) to be major adverse/ moderate adverse in the short to medium term. Within this location, this is considered to be significant in EIA terms. Moreover, the LVIA provides little evidence to demonstrate that the effect of taller structures on the development will not result in a significant effect in terms of visual impact in this sensitive location in the long term.

The requirement for an Environmental Statement to be provided with the application will ensure that landscape impacts associated with the proposed development together with mitigation measures are robustly identified in order to inform the decision making process.

Yours Sincerely

Gary Housden
Head of Planning and Housing



Appendix 4

Date: 20 January 2015
Our ref: 139337
Your ref: 14/00678/MOUT



Jill Thompson
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Jill

Planning consultation: Additional information: Outline application for the demolition of outbuildings and erection of mixed use residential-led development

Location: Castle Howard Road, Malton

Thank you for your consultation on the above dated 05 December 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Landscape advice - Howardian Hills AONB - Objection

Natural England has assessed this application and has identified a likely significant impact on the purposes of designation of the Howardian Hills AONB. We therefore object to this development. The photomontages for Viewpoints 7 and 10 demonstrate a significant adverse impact on views from the AONB, even after 10 years' growth of landscape planting, both with and without the towers. There will therefore be a significant impact on landscape character in the setting of the AONB, with the view towards Malton becoming dominated by the urban edge, and the landscape planting itself also foreshortening the view from the AONB.

Whilst we consider that the LVIA has been carried out to a satisfactory methodology in accordance with the Guidelines for Landscape and Visual Impact Assessment¹, there are a number of locations both along Broughton Lane (between viewpoints 7 and 9), and on the footpath running between Broughton Lane and Middleclave Road (between viewpoints 4 and 7 on Plan 7 of the LVIA), where views of the site can be obtained from within the AONB but which have not been included in the assessment. Views from the latter would appear to be particularly significant as footpath users heading east would be directly facing the site. Viewpoint 9 also does not appear to have been included in the plates; the photograph labelled viewpoint 9 in Plate 6 appears to be taken from the corner of Braygate Street and Swinton Lane (marked as Viewpoint 8).

We do not agree with the arguments made in the ES Addendum that receptors at Viewpoint 10 are less sensitive, either due to the location on a footpath, or because the view itself does not include the AONB. The view will be experienced intermittently through gaps in the trees when using the footpath running along the AONB boundary, with a number of larger gaps of which Viewpoint 10 is one example. This view of the AONB setting would be changed from a largely rural landscape to one

¹ Guidelines for Landscape and Visual Impact Assessment, 3rd Edition. Landscape Institute / Institute for Environmental Management & Assessment, 2013.

dominated by urban edge. We do not agree with the conclusion that the overall significance of the impact on the AONB will reduce to minor after 3 to 5 years. The LVIA and the ES Addendum also fail to recognise that the impact of the built form will be more apparent during winter, when the trees are not in leaf.

We note that the application is currently at outline stage. Whilst we welcome the proposal to provide publicly accessible open space on the site, we advise that further mitigation measures are put in place as part of the site masterplan in order to reduce the adverse impact on views from the AONB. This may include reducing the height of the buildings to be more in keeping with the existing character of the setting of the AONB, and to enable them to be more easily screened by landscape planting.

As previously advised, we are satisfied that sufficient information has now been submitted to demonstrate that the proposal is not likely to have a significant effect on the River Derwent Special Area of Conservation, either alone or in combination with other plans and projects.

We would be happy to comment further should the need arise but if in the meantime you have any queries, please contact James Walsh on 0300 060 1832. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours sincerely

James Walsh
Yorkshire & Northern Lincolnshire Team

Howardian Hills

Area of Outstanding Natural Beauty

The Mews, Wath Court
Hovingham, York, YO62 4NN

T. 08450 349 495
E. info@howardianhills.org.uk
W. www.howardianhills.org.uk

A joint partnership funded by Defra, North Yorkshire County Council (Host Authority), Ryedale District Council and Hambleton District Council; also involving Ryedale and Hambleton Parish Councils, Natural England, Country Land and Business Association, National Farmers Union, Ramblers and Forestry Commission

Development Management
Ryedale District Council
Ryedale House
Malton
North Yorks
YO17 7HH

Contact: Paul Jackson

My Reference:

Date: 4 March 2015

Dear Sirs

14/00678/MOUT: Outline application for the demolition of outbuildings and erection of mixed use residential-led development; Castle Howard Road, Malton

In response to the letter submitted by GVA, dated 13th February, I have the following observations to make:

- I apologise if my comments have caused offence to anyone, but I'm afraid that many years of dealing with sub-standard or apparently 'selective' documents have made me somewhat cynical. It should also be borne in mind that I scrutinised the photomontages in the context of the erroneous first draft of Viewpoint 7 which was presented to Ryedale DC in September 2014. As I pointed out, this had translocated the development to a different site over half a kilometre away, in a field west of the A64 and north of the Middlecave Road footpath. This was a fundamental error that had clearly been missed during the preparation and checking stage, which of course meant that I was bound to examine any subsequent work very carefully in order to test its veracity and plausibility. In relation specifically to Viewpoint 7, I stand by my original comments that, using the known fixed points on the base plan, I believe that the orientation tower ought to be further to the north in the photomontage than is currently shown.
- Upon re-reading paragraph 2.18 of the Planning Statement Addendum I see now that the context relates only to the Middlecave Road footpath in so far as it extends to The Plantations at the edge of the AONB. I had interpreted it as continuing on towards Viewpoint 7, and hence into the AONB, which is what it actually does on the ground. In the context of the footpath stopping at the 'crossroads' at the edge of the AONB then my statement indeed becomes incorrect.
- I'm afraid that the rebuttal of my observation about a skyline of housing units of more than 2 storeys being visible from Viewpoint 10 misses the point that I was making. Whilst the *numerical* majority of the proposed units may indeed be two storeys or less, the *distribution* of units of more than 2 storeys across the *whole* development site means that there are very few east/west 'transects' that do not have a unit of higher than 2 storeys somewhere on their length. This creates the visual effect of a nearly continuous skyline of buildings higher than 2 storeys.

Cont'd...

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As somewhat of an aside, but nonetheless important in a debate about accuracy, I noticed in the course of re-examining my previous hypotheses that the 2 storey employment block in the very south west tip of the site appears to have been missed off the photomontage. Due to the separation distance from the remainder of the development this would appear from Viewpoint 10 as an isolated building sky-lined on its own.

- The apparent differences in interpretation about the location of the orientation feature in the photomontage from Viewpoint 7 and the skyline of 2 storeys or more as seen from Viewpoint 10 could I feel be resolved by discussion at a meeting. I note however that further LVIA work is planned and it may be more appropriate to wait until this has been finished. On the other hand, any further work needs to progress from a mutually agreed consensus and it might seem sensible to resolve the points of contention before any further photomontages are prepared?

Yours sincerely

P B JACKSON
AONB MANAGER



Appendix 5



Hannah Andrew
GVA
City Point
29 King Street
Leeds, West Yorkshire
LS1 2JL

Planning Service
Jill Thompson
Ext: 327
Email: jill.thompson@ryedale.gov.uk

5 January 2015

Dear Mrs Andrew

Planning Application Ref: 14/00678/MOUTE

Thank you for the Environmental Statement, Planning Statement addendum and the new Landscape and Visual Impact Assessment that you have provided as part of the above application. I will take the opportunity in this letter to provide you with my initial response to this work as well as to outline the implications for the way forward as I see them and finally, to take stock of outstanding information now that the Council has received the ES and is in a position to resume consideration of the application.

Environmental Statement and LVIA

I have two concerns about the ES and LVIA. I do not share the conclusions that the overall impact of the development amounts to a minor adverse effect. Although the LVIA contains a limited suite of photomontages, the development of the site would result in a significant adverse visual impact from at least one viewpoint - the photomontage from viewpoint 10 is a good example. I appreciate that the ES recognises the visual impact of the development from this viewpoint but I do not share the conclusion that this results in an overall moderate impact. Clearly this is a matter of judgment but it is important that you are aware that I do not share all of the conclusions of this work.

Secondly, I have some concerns about the methodology used for the LVIA. Some of the documentation provided indicates that RDC and the AONB officer agreed the methodology used. This is correct but only insofar as viewpoints were agreed. The methodology used to draw conclusions on the significance of the visual impact is not something either myself or the AONB officer have previously endorsed. Indeed, I have to say that I am struggling to understand how the conclusions of the overall significance of impact have been made. This is not clear in the LVIA or ES. Your client is aware that the LPA is seeking an independent view on this work which we expect to receive in mid-January. Once this is received I will forward it to you in order for you to provide a response.

It is my informal opinion that the development as illustrated in the DAS and indicative plan is not acceptable to this authority. The visual impact of the illustrative scheme in this sensitive location is not acceptable and I am of the view that the mitigation measures suggested in the ES are insufficiently holistic to mitigate the visual impact of the scheme and to reduce harm to the visual amenity of users of the Rights of Way into and within the AONB. I am also concerned that the suggested scale and proportions of the buildings in



and around the 'village centre' which appear to be of town centre scale proportions does not reflect the site's context and its relationship between its surroundings and the existing townscape.

The contributory factors to these concerns are the suggested scale and height of buildings and structures and the layout and orientation of buildings. Consequently, I cannot support:

- The indicative layout plan
- The storey height parameters included within the indicative layout plan which range as high as 5 storeys
- Some of the principles included within the DAS

The District Council is a positive and proactive planning authority. However, in determining an application for EIA development, the Authority must be confident that all mitigation measures have been or are capable of being employed to avoid or mitigate any harm which arises as a result of a scheme before it then proceeds to balance the planning benefits of a proposal and determines whether it considers development to be acceptable in principle. I am confident that the impact of development on the site is capable of being mitigated through measures which include a phased landscaping scheme, a significant reduction in the height of taller elements of the scheme and through the location and orientation of development on the site.

I am mindful that your clients application is in outline and that your client is keen for it to remain in outline. I have previously indicated that if building height parameters could be agreed so as to mitigate their visual impact then this represents a potential way forward. I would add (following receipt of photomontage of viewpoint 10) that this would also demand revision to the indicative layout plan to help to mitigate the visual impact associated with the scheme from the west. It is however, clear from the recently submitted information that this is not something that your client believes to be necessary. I would urge you to reconsider this as a way forward.

Alternatively, the only remaining way in which I can respond positively and proactively to your clients application in outline will be to advise the Planning Committee of my concerns and to recommend that they consider the application purely as a 'red line' outline scheme and on the basis of the description of the development applied for. If the committee resolve to approve the application on this basis, it is likely that this will be on the condition that it would not confer approval of any of the illustrative material. It is important that you are aware of this as this will have implications for any subsequent application for reserved matters and the timing of the submission of all layout, scale and landscaping details. Given that this presents a way forward and that the application material now recognises the fact that the site is clearly visible from the AONB and is EIA development, I can confirm that the Council will withdraw the Section 4(2) letter issued last July.

Outstanding Information and the draft Section 106 clauses

I would also like to take the opportunity of this letter to clarify the information which I believe to be currently outstanding and to provide you with some initial feedback on the draft Section 106 clauses which you have provided.



You indicated in September that your client intends to submit a viability assessment. I would be grateful if you could confirm when this is likely to be received. The Council will need to commission support to consider the viability assessment in detail and therefore an indication of when this information is likely to be submitted would be very helpful. I am mindful that the revised decision date for this application is 26 March 2015 and therefore it is important that this information is made available soon.

It is my understanding that revisions to the Transport Assessment will be finalised once outstanding information is considered by NYCC. I understand that progress has been made on this and that NYCC are now only awaiting information in terms of future years traffic analysis. I also understand that further detailed site access drawings and the proposed arrangements for the York Road junction have been submitted to NYCC for their consideration. I would be grateful if you could ensure that BGH provide me with a copy of these drawings so that I am able to keep track of progress on these matters. We have previously discussed that fact that revisions to the TA may have implications for the Air Quality report and we have discussed the need for a meeting with Environmental Health officers to discuss their comments in relation to noise and air quality matters.

I have previously sought clarification of the heights of buildings associated with each of the different story height parameters and used as a basis for the sketch up model in the LVIA. I apologise if this information is included in the supporting documentation and if I have overlooked it but I would like my report to Members to contain accurate information. If your client does not wish to confirm these details I would be grateful if you could confirm that the following is an accurate interpretation of the information provided.

Plan 3 of the latest LVIA provides information relating to maximum ridge heights across the different blocks. The LVIA also notes that the site generally sits on the 60 m contour. Using this information I have taken this information to mean that:

- the 5 story tower on the Middlecave Road side of the site is approximately 17 m in height
- In addition to the 30m orientation tower, the tower at the Castle Howard Road end of the site is approximately 27m in height.
- The maximum ridge height of buildings will be approximately 14m in Block D; 14.3m in Block F and 15.8m in Block J.

The text on Plan 3 is very difficult to read and I would appreciate it if you could confirm whether I have misread or misinterpreted any of this information. The Planning Statement addendum on the other hand makes reference to the towers terminating approximately 10m above the general roofscape. This would imply that the general roofscape is between 17-20m at ridge height, which appears to be different to the information/figures in the LVIA. Again it would be helpful if you could clarify this matter.

I have also previously sought reassurance that affordable housing contributions are capable of being delivered by Registered Providers. I have expressed some concern that Registered Providers may not wish to acquire properties if it is your client's intention to apply service charges and restrictive covenants across the site. You were going to confirm whether or not Registered Providers are interested in the scheme and I would be grateful if you could update me of the current position in this respect and the basis on which



discussions with RP's have progressed. You will appreciate that I do need to be confident that affordable housing contributions are capable of being delivered and I do need your written confirmation that there is interest from Registered Providers that are willing to take the affordable properties on if service charges and covenants are to be imposed.

I have also asked if you are able to confirm the agricultural land classification of the site. Our records show that it is Grade 3 but are not broken down further. It would be helpful if you could confirm the classification if this is information that your client holds.

The Planning Statement Addendum makes reference to the provision of land for a potential school. I am heartened that this reflects the discussions that we have had in relation to the contributions that are required to mitigate the impact of the proposal on primary education provision. However, I would be grateful if you could confirm the location and extent of this land and the basis on which your client is prepared to make this contribution. I will then be in a position to confirm whether this is in turn, acceptable to the education authority. I have made the point that the location of land for a new school could have implications for the access to the application site at Castle Howard Road – the proposed elongated roundabout. The position of the elongated roundabout and any Stage 1 safety audit will need to consider the need to ensure that access to the site can be successfully achieved in a way which ensures that safe access to a new school on foot and by car can be achieved in principle.

The level and type of open space provision on the site also requires confirmation. I do acknowledge the fact that you are confident that open space requirements can be easily achieved within the site and that supporting information indicates that the scheme would provide informal recreational greenspace, childrens playspace, allotment provision and a community hall. In terms of the Council's policy, the only open space typology that the site does not directly contribute to is formal sport provision.

I share your confidence that the scheme can meet on-site requirements for informal amenity greenspace (this will equate to approximately 1.50 ha using our standard). The supporting information refers to amounts of greenspace which include structural landscaped areas. Whilst these areas may be capable of some recreational use, including informal play and walking, the landscaped areas will not be suitable areas to provide level and open space for ball games etc. It would assist my understanding of the proposal if you could confirm the approximate size of the village greenspace as a separate figure from the structural landscaped areas. I am of the view that the village green space has the potential to provide a significant strategic amenity space. This is a significant benefit of the scheme although it is important that it is available for ball games and informal play as well as catering for passive recreational activity.

Additionally, the scheme would generate a requirement for a minimum activity zone area of approximately 0.36 ha of land to be made available for formal children's play in the form of a NEAP, LEAP and LAP's. I would be happy to discuss how formal play equipment may be best accommodated into the scheme as I am of the view that the site provides exciting potential to design sympathetic and creative children's play space.

Your client intends to make land available for a school which will include an area of playing field. If the community hall is capable of providing some form of indoor formal sport (carpet



bowls, badminton etc) and areas of the landscaping are designed to provide jogging or trim trail routes, this would ensure, in my informal opinion that the scheme does provide for formal recreational/ sport activity.

A strategy for the provision and use of open space on the site will be a condition of any approval of the scheme and I think that as well as confirming the level of provision, there is benefit in discussing how the open spaces may be used at this stage.

Please let me know if there is any further information which I have overlooked and which you believe to be outstanding.

Thank you for the draft Section 106 agreement. Clearly you will not be able to confirm the details of the quantum of most contributions until the viability assessment and the work on which it depends is complete. However, consideration of the draft S.106 clauses at this stage is helpful in identifying issues which may affect the deliverability of the contributions and the progress in completing the agreement should Members be minded to grant permission for the proposal. I have forwarded the draft Section 106 agreement to the Council's legal team and to colleagues in housing for their consideration and I will be in touch with you after Christmas. In the meantime, I have a number of initial comments which I would like to raise with you.

The Highway contribution clauses appear to refer to a traffic regulation order at a bridge. I think that these clauses may have been included inadvertently. Clauses will need to be inserted to secure financial contributions to Brambling Fields.

I have also noted that definitions of the Public Open Space in the draft Section 106 appear to restrict play equipment from being sited on Public Open Space. I have mentioned that I believe that the nature of the use and level of open space provision does need to be confirmed. Notwithstanding this, it is this Council's policy to ensure that formal and informal children's playspace is secured on sites of this size as part of open space provision. Information supporting the application indicates that this is what is proposed but the definition in the draft Section 106 appears to contradict this. I would be grateful if you could confirm if the definition has been drafted in error and that your client intends to ensure that formal play equipment is to be sited within the scheme.

I have also noticed that the open space clause makes reference to the preparation of a specification for the public use of the open space on the site. I would make the point that a specification for the public open space would be secured by way of a condition of any approval of the scheme rather than through the Section 106, notwithstanding this, it is important that I understand what this is intended to mean. I would appreciate it if you could make me aware of any restrictions your client intends to impose on the public use of these spaces. I should point out that the LPA will expect public open space on the site to be available for public use, including wider members of the community and not be restricted to residents of the scheme. Similarly, the LPA would not expect play or ball games to be restricted on public open space within the site.



The Section 106 agreement would need to include clauses relating to the transfer/timing of the transfer of land for educational purposes should planning permission be granted for the application. The education clauses also need to cover the financial contribution for secondary school provision.

Finally, the draft Section 106 includes a number of clauses which are intended to protect your client in the event that the Community Infrastructure Levy is introduced. Whilst I fully understand your client's position and concerns in relation to this matter, I am of the view that these clauses are not something that the Council can agree to. If the Section 106 agreement is completed prior to the introduction of CIL then the development will not be liable for CIL. I hope that this clarifies this point but if I have misunderstood the intent of these draft clauses, please let me know.

I would be grateful if you could share this letter with your client and provide me with the information and written clarification on the matters that I have raised. I think that it would be very helpful if we could then arrange to meet to discuss progress.

Yours Sincerely

Jthompson

Mrs Jill Thompson

Forward Planning Manager



Appendix 6

JT
5.9.14
kk. 1 to 4
Recommends approval subject
to and contingent upon points

MALTON TOWN COUNCIL

MPC SKEHAN Town Clerk
Telephone: 01439 748500
E-mail: maltontc@btinternet.com



2 LEYSTHORPE COTTAGES
OSWALDKIRK
YORK
YO 62 5YD

30 August 2014

The Development Control Manager
Ryedale District Council

Dear Sir

**Planning Application no 14/00678/MOUT from Fitzwilliam Malton Estate.
Location. Land North of Castle Howard Road**

Following two separate meetings at which the public attended and contributed to the consideration of the merits or otherwise of the application, the Town Council has considered its response and resolved as follows.

Resolution

That the Malton Town Council recommends that application no 14/00678/MOUT be approved by the Planning Authority, subject to and contingent upon

1. the provision of a permanent access/relief road to connect the higher end of Castle Howard Road directly with the York Road, avoiding the lower end of Castle Howard Road and the existing junction,
2. the release/provision of some land by the applicant to provide for the increased demand for education capacity and health services,
3. the securing of an adequate contribution towards the provision of open space/play facilities in the immediate area of the development, and
4. full attention being given to any recommendations or stipulations from the Highways and water/sewerage bodies.

Yours faithfully

Mike Skehan

SUMMARY OF OBJECTIONS AND CONCERNS

General

- Urge the Committee to reject the proposal
- Urge the Committee to take residents concerns into account
- Concerned/horrified by the plans
- Benefits the landowner not the people of Malton
- The democratic wishes of the people should trump the desire of the Estate to make large sums of money by destroying the quality of life for those who live there
- Concerned about who may occupy the properties
- The development/design will reduce existing property values
- Our property is not shown on the plans
- Insufficient consideration of the effect of the development on the Town
- Concerned about where the people will work
- Object to the loss of the vets
- The veterinary surgery is an accessible community asset which is ideally situated to serve the animal health of both town and country. It is disappointing that this use will be effectively evicted particularly as a stated aim of the scheme is to accommodate sustainable commercial enterprises alongside housing
- The existing location/accessibility of the veterinary surgery ensures quick response times in an emergency. The loss or reduction of the service will put at risk the well being of animals
- Conditions should be applied to the landowner and not the buyer as the estate may sell the site on
- Paragraph 14 of the NPPF states that planning permission should not be granted where 'adverse impacts outweigh the benefits of the scheme'
- Concerned about older neighbours (concerned about traffic and changing demographics) and who are unable to move
- The estate should offer funds for local projects/bursaries in return for the inconvenience the community will suffer
- Housing should be distributed elsewhere in Ryedale with less focus on Malton
- Housing should be built on land not fit for agriculture in other parts of Ryedale, as a new town/village
- Support/ endorse the objections of the West Malton Residents Group
- The application could result in significant environmental effects and the Council is urged to request an Environmental Impact Assessment
- Small local builders would be excluded from the scheme

Scale and Location

- Object to the overdevelopment of Malton
- Object to the scale of the development
- Object to the location of the development
- The development is too much for Ryedale
- The creation of a 'New Town' adjoining existing housing and the AONB is irrational
- Housing needs would be better met through smaller scale/ evolutionary development – smaller developments in a number of locations need to be explored
- Is not in keeping with the Council's Plan which does not rely on providing housing on one large strategic area
- The impact of the scheme in combination with other development needs to be identified and considered/is unacceptable
- The town is at capacity whatever the Government is telling Ryedale to do
- The scale and intensity is too much
- Only a carefully planned extension to the town, taking account of local residents views and allowing local representatives to lead will the best results be achieved

- Granting permission may provide a disincentive for the Council to consider other proposals for new housing which could be used to invigorate run down/ unused areas within the Towns rather than spoiling countryside areas

Character of the area

- Not in keeping with the rural nature of Malton
- The Town will lose its identity
- The charm and character of the town will be eroded/lost
- The character of the town/rural market town character should be preserved
- Malton will be spoilt by adding another town on the model of a 'soul-less' Poundbury
- Malton's reputation as a fine country town/ the vitality of the town for residents and visitors will be risked
- The beautiful western approach to the traditional market town would be totally ruined by what the estate itself concedes would be a 'New Town'
- The development will transform Malton from the independent Market Town the estate claims to support to an urban satellite for York
- The town has already changed so much over the last 20 years thanks to the estate and the local council
- In combination with current large scale applications, the character of the town is being destroyed
- The proposed roundabout will alter the character of Castle Howard Road
- Castle Howard Road has always been a special area on the edge of the town. The development will spoil it and it will become blocked from the countryside
- Accesses onto Middlecave Road would have a detrimental effect on the character of Middlecave Road at its quiet west end

Housing Need

- There is not the need for this amount of housing/ why does Malton need more housing?
- There is not the need for this amount of housing in Malton and Norton and new houses should be spread across the District
- Question the need for development of this size in this part of Ryedale
- Don't sacrifice Malton and Norton to satisfy government quotas
- There is already ample housing in Malton
- If needed, houses should be built in Norton on the Woolgrowers Site
- People are not able to buy due to lack of jobs and finances
- Question whether there are sufficient jobs to support such a large influx of people – without employment people will turn to crime
- Even if Ryedale does not have a five year land supply, this does not mean that planning permission should be granted for any housing application (see NPPF para's 49 and 14)
- Ryedale has a five year land supply and there is no urgency to approve this application based on housing need. Greater weight should be given to air quality issues
- The reduction in the affordable housing element means that the development does not meet Local Plan targets and affordable housing need identified locally

Proposed Uses

- More industrial units are not required
- An unspecified amount of retail development is proposed which could impact on the vitality and viability of Malton Town Centre The competition will undermine the viability of the Town Centre
- Concerned about the impact of existing shops in the Town
- Question the need for more shops when there are empty shops in town

- Malton does not need another small town/ village centre with shops, a pub and industrial uses on the outskirts. Existing shops and pubs in Town and in surrounding villages are struggling and this would provide yet more competition
- No application of the sequential test in relation to Malton Town Centre
- Should require a more detailed analysis of the impact on the town and local businesses
- Lack of sequential test and impact assessment of the retail element of the scheme on Malton Town Centre means that the application fails to comply with national policy
- Outline proposal does not appear to limit the extent of the proposed commercial development
- There are empty shops elsewhere and space for rent on industrial estates and Malton already has a large number of public houses and halls in the town that are underutilised. These uses are not needed in this location.
- Unacceptable that huge chunks of rural land would be used for industrial and retail purposes when space exists for these elsewhere in the Town and on industrial estates
- If the scheme goes ahead it should only be for housing so that traffic is restricted to residents and would not include delivery lorries
- No specifics relating to delivery traffic
- Question the need for a pub when these are numerous in Malton
- Disagree with building a pub. Should build something more useful like a school, surgery or hospital
- How many pubs are lying vacant in Malton?
- Funding for this development should be diverted into the declining Town Centre

Design

- The draft design is not sympathetic to existing residents with dwellings overlooking existing properties
- The scale and height of some of the proposed buildings could result in loss of privacy/ overlooking of people living nearby/in close proximity
- Some of the buildings are five stories high and they do not fit in with the surrounding area
- The Council's policy is that new development should be in keeping with the character of the town. How does 'Poundbury 2' fit into Malton?
- The application falls short of the police report (designing out crime)
- A separate community butting up against the existing town and damage to the rural outlook towards the AONB is a flawed concept
- The development is high density and is out of scale with other housing in the near vicinity/ not in keeping with the surrounding area
- The proposed four storey block of flats is inappropriate in a so-called village setting
- High density with predominantly terraced houses which would be more appropriate to a town centre development than an area adjacent to open countryside and an AONB
- Too great a density as happens on the outskirts of York where overcrowded but expensive suburbs are in conflict with the City's ancient past
- Design of the units and open space needs to be such that it does not impact negatively on what is a lovely approach to the town
- Because of closeness to the AONB and residential properties the Estate should be asked to erect a temporary structure of the tallest buildings in their proposed positions for all to see from all positions
- Take issue with the LVIA (paras 5.3.2 and 5.3.3) regarding views towards the site from homeowners. I can assure RDC that these are more than 'glimpses'. The whole area can be clearly seen. (Invite the Committee to view this from our house so that the effect on existing home owners can be seen)

Biodiversity and Trees

- Loss of farmland which supports a range of bird (including nesting skylarks and yellowhammers numbers of which are declining along with their habitat), insect and other wildlife
- Site supports special birds including grey partridge, lapwing and yellow wagtail
- Loss of trees and hedges will disturb wildlife
- No consideration has been made for the effect on wildlife
- Would disturb the Bats, Tawny Owls and Woodpeckers that reside in mature trees at the vets/ in and around Middlecave Road
- Ancient trees that bound the road will be removed
- Mature trees, hedgerows and natural habitats will be disturbed or destroyed
- Concerned about the mislabelling of trees on the drawings. Ask that these are amended to ensure tree locations and numbers are accurate
- The cumulative effect of the loss of trees would significantly alter the character and amenity of the area
- There should be no removal of trees along Castle Howard Road

Environmental Resources and management

- Will result in the loss of productive farmland/ valuable agricultural land
- Will result in increased air, noise and light pollution
- In relation to energy and water demands, as a nation we do not have the natural resources to progress anymore and we will be putting future generations survival into difficulties
- Loss of agricultural land, the construction of buildings, the increase in population density and resultant urban activities will cause irreparable and permanent harm to the environment
- The hydrological efficiency of the sustainable drainage system both on a catchment scale and in severe weather conditions is largely unknown
- In combination with other development we are seeing a massive increase in roof and concreted area. With changing weather patterns to include more volatile weather the risk of severe flooding with run off is obvious and frightening
- If this is to go ahead, joined up thinking with the Environment Agency is needed to include dredging the Derwent (to the Ouse) or damage to people's homes is inevitable
- Object to the loss of Green Belt
- The natural beauty of Malton should not be sacrificed when there are brownfield sites available throughout the country
- The impact on the environment during construction and beyond will be inexcusable
- The area is the subject of an Environmentally Sensitive Area Agreement
- The application makes no request to change the use of land from either Green Belt or farming land and its owners claim Environmental Stewardship payments
- The report on agricultural land states that the land is good quality agricultural land and therefore it should not be used for this development

Landscape

- The site is within 100m of the AONB boundary. There is no definitive detail on what will be on a site and it is difficult to say what the impact will be but it is likely to be detrimental
- Visual impact on the AONB should not be underestimated
- The development will result in a detrimental impact on the AONB/ cannot be anything other than detrimental to the AONB/ threatens to damage this precious landscape
- Will harm the setting of the designated (AONB) landscape
- Too close to the AONB
- Will impact upon the enjoyment of those using the public footpath network along the eastern edge of the AONB

- Will result in harm to the setting and enjoyment of the AONB and as such would conflict with national policy which requires that great weight should be given to the conservation of this landscape
- It is paramount that the AONB is protected from the visual pollution of constructing buildings that tower above the existing skyline and which impact negatively on the local scenery
- AONB's are special places. Proposing to build a vast settlement on the edge of the Howardian Hills seems nonsensical when there is no shortage of other sites situated on less precious land
- The development will harm the approach to Malton from an AONB which is currently aesthetically pleasing
- The development will reduce the gap between the built up area of the town and the AONB which will harm the setting of the AONB and impact upon the enjoyment of AONB users. As an outline application there is no guarantee that the extent of the open area alongside the A64 will be as extensive as shown
- In respect of the AONB the landscape assessment has fundamental shortcomings (does not properly evaluate the impact of taller buildings and lighting/ no evaluation of the visibility of buildings at the heights proposed/ no evaluation of the contribution of the site to the setting of the AONB and the impact of this/ no evaluation of the impact on the AONB from the winter months when there is less tree screening/ no photographs from areas to the south of Castle Howard Road and from footpaths crossing the AONB
- The landscape assessment does not provide sufficient evidence of the impact from the Howardian Hills
- Without a direct link to the A64 more traffic is likely to pass through the AONB
- Commercial and retail development would be detrimental to the approach to Malton from the AONB
- A limit to the height of buildings and structures would reduce if not remove concern of changing the context of the AONB
- Development will impact on the rural setting of the town/ The rural setting of the town will be radically changed forever/ totally ruined
- The approach to the town from the west will be vastly different
- The landscape assessment has not evaluated the contribution the site makes to the landscape setting of the town or the effect of the proposal on the setting of the town
- The development would cause significant damage/ harm to the local landscape
- The upgrading/urbanisation of Castle Howard Road (inc roundabout, kerbing, lighting, traffic volumes) will destroy the rural character and appearance of this route from the west
- Visual impact will effect the recreational enjoyment of the countryside
- Will detract from views from the public footpath
- Development of this scale in this location would have a devastating impact on the beautiful rural setting of the town which is its great appeal to visitors/ will not appeal to the tourist trade
- The Design and Access Statement describes the current use of the site as 'arable agricultural land' – for comparison a photograph of the view of the site is provided
- The construction period will change the context of the AONB and the Conservation Area through the presence and movement of heavy plant and vehicles
- The setting and enjoyment of the AONB would be harmed by a ten year build period adjacent to it
- The visual impact assessment needs to envisage impacts during as well as after the build period
- Traffic impacts would need to be assessed on their impact on the AONB during the build period as well as after it. Noise and vibration in a similar vein
- Malton originally developed in a natural basin and to expand Malton on to the higher ground will be very out of keeping
- Noise assessment demonstrates that there are no acceptable solutions to the issue of unacceptable noise across the site which would also be visually acceptable

Environmental Impact Assessment and Landscape

- The degree of harm is far greater than the EIA suggests. Concur with the evaluation (of viewpoint 10 in the LVIA) that the magnitude of harm is high. The harm is permanent and irreversible but disagree that it is moderate adverse. Under the criteria in the document it would warrant a score of Major Adverse as it results in harm to a landscape which is important at a national level. It is clear from plates 11 and 12 in the document that this cannot be mitigated to anything like an acceptable level
- In other areas, the EIA has played down the likely impacts on the AONB;
 - The degree of harm from viewpoints 4, 5 and 6 is higher than the LVIA suggests and ought to be at least a medium/high impact.
 - The LVIA was undertaken in summer and the impacts in months with less tree cover will be greater
 - No evaluation of increased lighting levels upon the rural character of the AONB
 - The LVIA has underplayed the important contribution that hedgerows within the site make to the landscape in views towards Malton from the AONB. They unite these fields with the pattern of fields to the west of the A64 and as such contribute to the rural setting of the town from the AONB. The loss of these hedgerows would have a harmful effect on the AONB
 - The LVIA has underplayed the harm which the towers will have on the setting of the AONB. The towers are not of a form or design that one would normally expect to see in a North Yorkshire landscape and will appear as an alien feature so that the eye will be drawn to them which will make the development more intrusive.
 - The LVIA does not acknowledge the difficulties in evaluating the effects of an outline application where heights of buildings are unknown/ the location of the taller elements and landscaping is uncertain
- The mitigation measures proposed are inadequate and will not reduce the harm to the extent suggested. The development will still have a Major Adverse effect upon a landscape of national importance even after the landscaping has been in place for 10 years
- There is nothing in the application which will guarantee where the landscaping elements will be or what they will constitute so it is impossible on an outline application to guarantee that landscaping will reduce the level of harm
- The EIA has not properly evaluated alternative options or mitigation measures which could reduce harm to this nationally protected landscape. Other sites are available as alternatives and other possibilities for reducing harm should have been explored e.g. reduction in the size of the development by deleting those parts likely to cause most harm
- There is little evaluation of the scheme upon the landscape setting of Malton and no visualisation have been provided to the effect of the development upon the approach to the Town
- Latest (2015) LVIA /ES underestimates the impact on the landscape and harm to the AONB and contains pictures which make it difficult to make a fair comparison in different seasons

Heritage Assets

- The construction period will change the context of the Conservation Area through the presence and movement of heavy plant and vehicles
- The significant increase in traffic and the large development will change the context of the Conservation Area.
- A relief road from Castle Howard Road to York Road would reduce if not remove the concern of changing the context of the Conservation Area from a rural setting to a thoroughfare
- Middlecave House is an attractive house in a rural setting enjoyed by walkers. The character of the house, its garden and rural location marking the start of the bridleway would be lost

- The veterinary buildings form a well-used heritage (Georgian) asset. Will this Georgian building be allowed to fall into disrepair and then be demolished? The scheme is a threat to the heritage asset and character of this area of Malton.
- The slicing of Middlecave House garden in two would be detrimental to the character of the area
- Middlecave House built in the 1840's is surrounded by fields and has a rural feel to it which would be lost to the proposed development

Amenity, Safety and Health

- The period of building would subject the community to [unreasonable disruption/ noise/fumes/dust/pollution/ heavy vehicular traffic] for a significant period
- The construction/construction period/ effects of this will [have an unbearable effect on amenity/ affect quality of life / is not acceptable]
- Building for 10-12 years would not only subject the community to unreasonable disruption but would be occurring at a time when Malton is having success in promoting itself as a food capital and visitor destination. The development would have a negative effect on this effort.
- Case law exists which backs up our objection that the scale of the proposed development and the build out period will harm residential amenity
- A ten year build out period seems overly optimistic given existing slow build rates and there is a chance that the development could blight a whole childhood or whole retirement for adjacent residents
- When a persons quiet enjoyment of ones property and one's quiet enjoyment of the countryside is threatened for an extended period it is a matter for strong objection
- The scale of the development including 5 storey houses will mean existing residents will be greatly overlooked
- Proximity to existing dwellings will result in a loss of privacy
- Backs onto our property which already has minimum light due to protected trees
- The creation of a large roundabout in the vicinity of our shared private road will have a detrimental effect on visibility and will add to traffic congestion, noise and pollution
- Our property is adjacent to the new roundabout and we will bear the brunt of traffic connected noise and pollution
- The development of a new village next to existing residences will detract from the area that we currently enjoy living in
- The loss of the amenity value of this land is incalculable
- Will involve the loss of visual amenity not only for residents living near the site but for walkers and joggers from the wider area
- Will result in harm to the enjoyment and amenity of AONB users
- Will radically alter the character of the bridleway at the western end of Middlecave road resulting in harm to the enjoyment experienced by those using this route to access the wider footpath network
- Lovely views will be lost along with peace and tranquillity in the area
- Urban sprawl and light pollution will remove the vistas of attractive open countryside with a negative effect on human health
- The residential amenity currently enjoyed by those living in the area would be harmed by [increased noise/ late night disturbance/ loss of privacy and overlooking/ increased vehicular movements and HGV's/ pollution and fumes/ increased street lighting]
- Would contravene the Human Rights Act which states that a person has the right to the peaceful enjoyment of their home and the right to respect of their private and family life
- Will have a significant detrimental effect on the quality of life of people living and working in Malton
- Traffic congestion will adversely affect local residents
- Children will be unable to ride bikes safely as a result of extra traffic

- Children will be unable to play in the garden without risking their health by breathing in dust and fumes from the building site
- Traffic, dust and noise will spoil my school holidays
- Please do not take away for ever our favourite path where we can walk in the country and ride our bikes safely
- I have cerebral palsy and use the path where the development is going to gain access to the countryside in a safe manner
- Any work that would put users of the rights of way between the AONB and Malton in danger from construction traffic needs to be considered given that most approach the AONB on foot. (There are no footpaths at all on Middlecave Road on either side at its western end and none on its south side for much of its length)
- A considerable amount of construction traffic on Castle Howard Road would have a noise impact and increase congestion and danger at nearby junctions (York and Horsemarket Roads) and routes (through the AONB / all side roads into Middlecave Road and Castle Howard Road/ on Middlecave and Castle Howard Roads) and to secondary school children
- Safe crossing points and cycle pathways may need to be created at the risk of increasing motor traffic congestion in order to ensure better pedestrian safety
- Should require a more detailed analysis of the impact on residents
- Increased noise from the pub/ village hall/ shop will affect local residents
- No indication of what the industrial units will be used for
- The pub may have a serious impact on adjacent residents
- Retail and employment uses will generate regular lorry/HGV movements within a residential neighbourhood
- Commercial development is shown on the line of the bridleway adjacent to Middlecave Road which would necessitate a diversion of the bridleway if that actually happened
- Some restriction must be placed on the noise and pollution caused by this development both in terms of hours, volume and amount
- As a medical doctor I have grave concerns with the proximity of pylons and overhead power lines in relation to this development. There has been a great deal of research into the effect of power lines on health (*research papers are cited*) which reveal considerable concern regarding potential dangers to health, including increased risks of childhood leukaemia, depression, lung cancer and skin cancer. Question whether any consideration has been given to advice by the Cancer Research organisation as to the dangers of housing built close to high tension pylons and cancer spots in young people
- Concerned that the landscaping of the site may contravene recommended planting distances
- The extra EMF produced by the residences themselves would put health and lives at risk
- Noise assessment has not demonstrated an acceptable solution
- Inability to meet residential noise standards may result in the applicant seeking further commercial space (with further noise and traffic implications)

Services and Infrastructure

- In combination with other development, existing permissions and applications, the impact of the development is a step too far. Without years of preparation the impact on services and the environment will be inexcusable
- Malton does not have the infrastructure to cope with such a huge development
- Impact on infrastructure should not be underestimated
- Vital that development of such a scale is only considered alongside a commitment to providing the necessary infrastructure. I do not see this being planned or conditional in the proposal and without it the Council will be liable for the intended consequences
- Existing problems (drains/ schools/ hospital/ roads/ GP surgery) should be sorted out before new development takes place

- Will result in increased strain/ problems associated with [car parking/ school capacity/ the capacity of the Doctors surgery/ sewers and waste water treatment/ drainage/ dental services/ emergency services/ council services/ diminishing public transport services/ community infrastructure/ telecommunications/ waste management/ energy demands]
- Schools will be unable to cope with additional demand and existing pupils will suffer
- It has not been demonstrated that sewerage and drainage infrastructure is capable of accommodating discharges from development of this scale
- The stench from Butcher Comer is disgusting – what will happen when more homes are built?
- There cannot be more properties connected to the sewer which is already overloaded/backs up in storms
- Should be no additional loading of the sewers from Butcher Corner
- Concerned about the effectiveness of soakaways which may overflow and undermine the cutting on that side of the A64
- No capacity at GP surgery will lead to further delays in getting appointments
- Increases the need for improved services
- The capacity of [schools/ GP surgery/local supermarket] will need to be increased
- Unclear where the funding will come from to provide adequate services or that there is evidence to demonstrate that the demand on services can be met as required by the NPPF
- The infrastructure required for such a development is not detailed
- Infrastructure improvements should be at the expense of the landowner and not the general tax payer and this should be made a condition of approval
- The Design and Access Statement describes the development as balanced and self sustaining but none of the essential social services are provided for
- Will lead to the destruction of the veterinary surgery
- Question whether sufficient water supply exists
- The outline nature of the application provides no guarantee of the amount of open space
- Would create an isolated community too far away from current retail, transport and primary health care facilities without having to get in the car
- As a Sustrans volunteer, the developer should make a lump sum contribution to health and recreation in Malton including the provision of cycle access between the site and town
- The flooding of roads is a continuous problem and needs to be addressed

Highways and Air Quality

General

- The highway network will be unable to cope with the additional traffic
- No evaluation of whether the road network could accommodate the level of traffic generated in addition to other applications
- In combination with other development there will be traffic gridlock
- The existing roads are not designed for heavy volumes of traffic
- Will result in over 1,500 cars on the roads which cannot take the traffic
- In combination with other development it will result in a minimum of 1500 cars (9000 extra journeys per day) in Malton
- 6 traffic movements per day per household makes a total of 3,000 additional movements per day
- The houses will generate 3,000 new vehicular trips per day of which 12% can be assumed in each peak period and additional trips will be generated by the commercial components of the development
- Likely to result in a minimum of 600 cars plus commercial vehicles which at four journeys per day (ONS estimate an average of 6 journeys per day) would mean 2400 extra journeys on adjacent roads

- Increased traffic/ congestion will [detract from the attractiveness of the town and its desirability as a place to live/ affect tourism/ result in delays causing an unreasonable burden to residents and visitors/ cause delays to emergency vehicles/risk health/ degrade buildings/ have implications for the fine buildings on Yorkersgate that the Estate have invested in
- The impact of increased traffic on pedestrian safety needs to be carefully assessed
- Congestion will worsen [in Malton/ towards Castle Howard Road/ on the A64/ at Pasture Lane - increase traffic on Pasture Lane will be dangerous for the two Primary Schools]
- Will lead to congestion/ worsen congestion at [the Broughton Rise -Newbiggin Junction/ Crescent Mount- Newbiggin / Castle Howard Road-Yorkersgate-York Road/ Butcher Corner/the Mount-Horsemarket Road-York road/ all] junctions
- Improvements are needed to existing bottlenecks [Butcher Comer/ level crossing] before additional traffic is added
- A proper traffic management plan is required
- The town does not have sufficient parking to cope with the increase in cars
- Road damage will increase and [is not addressed now/ will place extra pressure on the already stretched Council
- Will result in rat running and increased traffic through existing streets [Horsemarket Road/ Pippin Road/ Middlecave Road/ Middlecave Drive/ Orchard Road / Maiden Greve] which will be [dangerous at school times/ damaging to property/ impact on quality of life for existing residents/ lead to road safety issues for residents, school children and hospital users]
- Would be concerned about any proposal to route traffic to the A64 via the Mount and pasture Lane to avoid Butcher Corner
- No detailed plans of the proposed access arrangements have been submitted
- Shops and business uses will increase numbers of HGV's and commercial traffic using residential streets with road safety implications
- The scale of retail and industrial development is not determined so there can be no conclusive answer as to whether the highways can cope
- A relief road connecting the top of Castle Howard Road to York Road would address many of the concerns relating to access
- Encouraging people to walk and cycle is not credible especially for those with young children, the elderly and sick
- New residents will drive into the Town Centre despite the proximity of the scheme to the Town Centre
- A frequent bus service at the very least is required
- Residents of the Orchard Road estate will have great difficulty in accessing/exiting the estate due to the volume of traffic
- There is no proposal to provide services (school, doctors, dentist) which will mean increased traffic in the town
- The dream of a discrete community having good walking, cycling and public transport credentials is laudable but it will achieve the opposite of sustainable living. Most new residents will travel to work using a mode of transport that is most practical for them
- Question the proposal to limit 2 bed houses to only one car. Residents will have more and this will lead to parking on neighbouring roads
- If the scheme goes ahead access should be for residents only and not provide a through road to elsewhere
- The amount of traffic and lack of parking will be oppressive in a rural environment
- The layout suggests that emergency access points will be restricted due to indirect routes through the site and limited muster points for emergency vehicles
- Castle Howard Road and Middlecave Roads are not suitable for construction traffic – a new set of slip roads off the A64 on Broughton Road or a connecting road to York road is required and contractors should be required to use these routes

- A new school near the development may assist traffic in the town centre but equally children using the new school may have to travel through already congested town centre roads to get to it
- Cycle track/ dual use track provision from the A64 overbridge to York Road and improvements to the York Road junction for cyclists and pedestrians should be secured and are of strategic importance to the Sustrans national network as changes to the route are being considered to include Malton and Norton
- Concerned that access is now being reserved
- No assessment of the impact on traffic of a school in this location
- The Travel plan is inadequate
- Funds are in place for the HGV ban/complimentary measures and there should be no financial inducement on the Council to accept money for this from this application
- HGV ban would need to be enforced
- The HGV ban has been sought before the effectiveness of the measure is known
- Proposed bus subsidy shows no guarantee of addressing peak time needs
- No new cycle lanes are proposed outside of the development
- NYCC has not provided any detail of the sort of parking restrictions that might affect local residents
- Object to mature trees being lost to provide access

Restriction to Middlecave Road

- Restriction of access to Middlecave Road will result in rat running through existing areas to access Middlecave Road
- It is not clear how more than 450 homes will be prevented from using Middlecave Road
- No guarantee that 10% of the traffic will be put down Middlecave Road
- 10% of traffic down Middlecave Road is too much
- Can't support the measure for 10% of traffic down Middlecave Road until it is included in a detailed application

Middlecave Road

- The Middlecave Road- Mount junction is poor
- Increased traffic on Middlecave Road will add to congestion at the Middlecave Road- Crescent Mount- Newbiggin junction which is very busy especially in term time
- The Transport Assessment claims no problems of queuing on Middlecave Road- Mount Crescent
- The volume of traffic using Middlecave Road will double
- Middlecave road is a quiet residential road
- Middlecave Road is the main access to Malton School and Malton Hospital
- Middlecave Road is very congested in the school rush hours
- Only pedestrian access should be allowed to Middlecave Road
- No detailed plans showing the improvements needed to facilitate access via Middlecave Road
- The western end of Middlecave Road is very narrow with on-street car parking and is incapable of accommodating additional traffic (particularly HGV's)/incapable of accommodating additional traffic without significant alterations which is likely to harm the quiet residential character of the road
- The width of Middlecave Road outside of my house is 3.5 m which is not wide enough for any HGV's to access the site
- Concerned about the congestion on upper Middlecave Road. The entrance to the west wing of the school and the road to the nursery are in close proximity. There is also a designated parking area for local residences near to these two entrances which restricts the road to a single lane and conceals access to the nursery. Raises concern about the safety and capacity of the road and will escalate the risk of accidents (contrary to para 31 of the NPPF)

- Making Middlecave Road a high traffic thoroughfare will increase road traffic risk for children using the nursery and school and who live along the road
- Details should be provided of the accesses required on the west end of Middlecave Road and to the bridleway
- Improvements to Middlecave Road to allow 'access only' from the hospital would help children to work and cycle to school in safety
- NYCC has not suggested a restriction on construction traffic using Middlecave Road
- A footpath cannot run along the south side of Middlecave Road as 77-85 is private property and this would encourage illegal trespass
- No proposals have been put forward to force traffic to stick to safe speeds on Castle Howard and Middlecave Roads

Castle Howard Road

- HGV traffic will lead to the further deterioration of Castle Howard Road
- Castle Howard Road is currently a lightly trafficked Road
- 90% of the development traffic will be routed to Castle Howard Road which will add to the already large volume of traffic using Castle Howard Road
- Already the traffic on Castle Howard Road can be disruptive and potentially dangerous with regular rat runners (including HGV's) from the Helmsley Road avoiding the traffic lights at Newbiggin- Pasture Lane
- Residents of Hollis Court will find it difficult to access Castle Howard Road as oncoming cars are not always complying with the speed limit
- Current difficulties when attempting to gain entry to Castle Howard Road (from Hollis Court) would be greatly increased if 90% of the traffic is being channelled onto an already busy road
- Castle Howard Road is an alternative route for traffic when the A64 is closed due to accidents and is very congested when this happens
- Castle Howard Road is an attractive country road and does not cope well with increased traffic or larger vehicles. It will need to be widened which will change its character and appeal
- Changes to Castle Howard Road may result in higher traffic speeds
- Increased traffic on Castle Howard Road and improvements to Castle Howard Road would make it unattractive and dangerous to cyclists
- No detailed plans for the proposed access off Castle Howard road have been submitted
- Current road speed limits should be addressed along Castle Howard Road between the flyover and current 30mph zone or the risk of accidents will increase
- The narrow width of Castle Howard Road makes its use for access for construction traffic hazardous
- Castle Howard Road is not wide enough to take more traffic
- Concern for pedestrian safety as there is already a lack of safe crossing points on Castle Howard Road
- All of the houses should feed onto Castle Howard Road then onto York Road via a new link road
- The new roundabout on Castle Howard Road is almost on the boundary of my house and will lead to increased noise and air pollution in my area
- The layout of the proposed roundabout on Castle Howard Road will be dangerous for road users including tour coaches for Castle Howard and the AONB
- Castle Howard road is one of the few places where cycle routes out of town can be enjoyed. Additional traffic will reduce the amenity to the area and would add danger
- Traffic lights at Castle Howard Road-York road will add to congestion/ create a permanent traffic jam/encourage traffic onto less appropriate routes
- The existing Yorkersgate -Castle Howard Road junction is visually awkward

- A roundabout at York Road/ Castle Howard Road will cause traffic to back up Castle Howard Road and traffic to back up to Butcher Corner.
- The proposed mini-roundabout has insufficient capacity and a school on Castle Howard Road would take the junction over capacity

Direct Access to A64

- A [junction/ direct access] with the A64 should be made a requirement of the development/is necessary/is required to enable minimal disturbance to local residents
- It should be a condition that a slip road west onto the bypass should be provided for commercial/industrial traffic
- Traffic wishing to travel northwards on the A64 will have to travel through the Town Centre
- A new feeder road should be provided through the allotments to take any out of town traffic into York Road and the A64
- Residents of the proposed development will have to find employment outside Malton which results in a need for a link road between Castle Howard Road to York Road to relieve pressure on the Yorkersgate junction

The Transport Assessment

- The transport assessment has under-estimated the level of traffic which will be generated and there is little modelling of the impact on other roads throughout the town centre
- A realistic traffic survey needs to be carried out at different times, on different days and in different weather conditions
- The Transport Assessment claims that there were no problems of queuing on Middlecave Road/ Mount Crescent and the queuing that habitually occurs along Yorkersgate in the evening peak is not noted
- There are a number of fundamental shortcomings in the transport assessment which must question the weight which can be given to its conclusions. It was undertaken on a single day; the fifth and sixth forms were on study leave; it was market day when roads around the market are closed and traffic uses alternative routes. Levels of traffic are not likely to be representative of average movements – particularly during the autumn /winter months when there is greater usage of cars accessing the school
- The commercial traffic generated has been overlooked
- The traffic associated with the new school has not been modelled in combination with the proposed development
- The Malton and Norton Strategic Transport Assessment 2010 is not robust and any reliance on it for a base for developers or for any detail of the junctions is misplaced (report on the STA has been provided)
- The applicant has not done an assessment of the traffic impact of the scheme on Butcher Corner
- There are anomalies and disparities in the figures in the TA

Air Quality

- Air quality/ pollution will worsen/increase [at Butcher Corner/the Malton Air Quality Management Area
- There has been no evaluation of the impact on air quality at Castlegate
- The Air Quality Assessment has not demonstrated that the scheme in combination with other development will not worsen air quality. If other applications are approved before this application is determined this assessment would need to be revisited
- Contrary to the NPPF which aims to reduce pollution and support a transition to a low carbon economy
- The current cumulative air quality impact is unacceptable and contrary to EU law. Emissions would add to already illegal levels and no mitigation has been offered or secured

- Would have an unacceptable impact on air quality at Yorkersgate/ Railway Street by adding 10-20% to current traffic levels
- Will reduce air quality and pose a danger to human health by increasing the concentration of nitrogen dioxide in breathable air
- The application contradicts Policies SP17 and 18 of the local plan in relation to air quality, is inconsistent with para 124 of the NPPF and would undermine the objectives of the Air Quality Action Plan
- Only by removing the cause and source of the danger – by refusing the application – will the public be protected from harm
- RDC should adhere to its policies and ensure that no increase in nitrogen dioxide in the Air Quality Management Area as a result of this development or in combination with other development
- No confidence that the predicted falls in Nitrogen Dioxide in the air quality assessment due to vehicle improvements, will materialise
- Evidence that existing vehicle emissions are not complying with emission targets has been accepted by appeal inspectors elsewhere
- without predicted improvements in vehicle emissions Nitrogen Dioxide levels would exceed objective levels in the Air Quality Management Area
- Air quality assessment has failed to calculate the cumulative impact on air quality from individual sites in the area
- No evidence in the assessment of the effect that greater volumes of traffic will have on traffic speeds and hence emissions
- No quantification of mitigation measures has been undertaken
- The monitoring underestimates Nitrogen Dioxide at the highest (readings) receptor locations and its trajectory therefore underestimates predicted levels
- The proposed HGV ban is no guarantee of meeting EU Ambient Air Directive Levels
- Concerned about inconsistency with air quality assessments undertaken for the Fitzwilliam Trust applications
- The applicant has admitted uncertainty over effectiveness of mitigation measures and has said that development impacts are overestimated. The information is inaccurate and unsound
- Should be rejected on the grounds of distinct and demonstrable possibility of a breach of the EU Ambient Air Directive limit values for Nitrogen Dioxide in the AQMA as a direct result of this application.
- HGV restriction is presumably to mitigate air quality issues but there is no proof of its likely impact

Prematurity/ Relationship with the Development Plan

- Granting permission would prejudice the proper consideration of where should go through the Local Plan and Neighbourhood Plan and removes the opportunity for the local community to determine where future development should be located.
- Granting permission would conflict with core planning principles that planning should be plan-led and should empower local people to shape their surroundings (para 17, NPPF)
- New development should be properly planned
- A decision on this speculative proposal should be deferred until the local plan is defined
- Waiting for the Neighbourhood Plan would be a more locally accountable way forward
- The proposal conflicts with the adopted Local Plan Strategy which supports housing on a mix of sites in a variety of locations rather than at one large strategic location – the scale of the proposed development is larger than that envisaged by the plan
- The application underlines RDC's promiscuous dash for the expansion of Malton and Norton at all costs, ignoring various local plans which have been carefully arrived at

Form of the Application

- As an outline application, concerned that the applicants are not tied to anything proposed in their application
- there is no guarantee/ certainty / obligation on the Estate that the eventual development will be anything like shown in the accompanying material
- The publicity material is an indication of what might be built – there is no certainty
- Any planning authority worthy of their responsibilities should be pushing for a full application
- Such a large application obligates the Council to take a more active role. By requesting outline permission the landowners are asking the Council to give up that role
- Would prefer to see a detailed application/ a detailed proposal of what is planned is called for
- An application of such magnitude should be detailed otherwise there is too much uncertainty
- If consent is granted this should tie the developer to the development concept and not leave room to change or alter the plan
- Section 106 notices should be applied to ensure that the development would be as shown and that there is no misunderstanding or variation
- The land will be sold to developers with their own ideas for the land
- No guarantee that the Estate will not sell this site to a volume house builder for standard houses out of keeping with existing properties or turning it into an industrial estate or large shopping centre
- This is an outline application which can be altered to include industry, retail parks and other undesirable features in the future and which could axe the community facilities that may bring benefits
- Concerned that if outline permission is granted the mix of uses might change including additional social housing, shops and/or industrial units, to the detriment of the Town Centre
- Removes the control from residents/ the Council/ councillors to object to or the opportunity to support specific proposals that may be put forward later
- No certainty over the location of the housing areas/ employment areas/ open spaces/ retail and community uses
- No certainty over the amount of open space/ community facilities or retail units
- Lack of certainty around the amount of space for different uses means lack of detail about the amount of delivery traffic
- No certainty over the location and amount of different uses on the site all of which will have a significant impact on the existing community
- No guarantee about the size or height of buildings or any screening which makes visual impact assessment impossible
- Lack of detail means that it is impossible to determine the impact on the AONB or the rural setting of the Town
- No indication of how the amount of traffic using Middlecave Road will be restricted to the proposed 10%
- Lack of detail over the control of traffic, including HGV access
- Lack of clarity on fundamental issues (landscape impact, traffic management, location of uses , amount of space for different uses) which should be clear for any permission at all to be granted would not, in fact, have been addressed
- Find it impossible to understand or accept an Environmental Statement including a Landscape and Visual Impact Assessment based on the effect of a development that has no definition
- The Estate should be asked to submit a defined development plan showing exactly what will be built, their design for each building and a programme for the completion of the site
- For a (red line) application to be acceptable the applicant need to show how much housing can be accommodated without harm to the AONB

SUMMARY OF SUPPORT

- A fantastic looking development that can only enhance Malton. The layout and design look very easy on the eye and it would provide much needed housing in the Town.
- Support the proposed plans to deliver housing. For some time there has been a shortage of new housing in and around Malton, especially for those looking to get on the housing ladder
- The development will bring more life and culture into the town
- The development has clearly been well thought out and the provision for more local amenities to create a self contained community clearly shows that there will be little extra pressure on the town
- The people of Malton are some of the most welcoming that I have met while living in many parts of the UK and I am sure that integrating anew community into the area would be a great success because of this
- As a business manager the case for this development is clear. It is patently obvious that more people will help grow and develop Malton and the surrounding areas. Malton is on a clear course to become a shining tourism spot in the North Yorkshire crown to which this development will only help by bringing more consistent spends into the town proper
- Malton and Norton have wonderful business that are family owned and have continued to struggle against the growing tide of ‘out of town’ superstores and developments. The additional revenue that this development will bring will continue to contribute significantly towards the survival of these business
- The pressure on housing in the UK is widely documented. At some point in the future these types of developments are going to be forced upon us, better that we as a district can take the right decision and have this development on our terms
- Fully support this scheme as I think that it will enhance Malton in a very positive way. I would be very much in favour of moving there myself in future
- Support the application
- Utterly refreshing to see a housing plan with design at its heart. In comparison with the barracks built at Broughton Manor (and too many appalling developments throughout Ryedale) this scheme complements historic Malton. It uses the vernacular to create houses which are traditional yet innovative and local skilled builders instead of the big buck house builders with their insensitive ‘kit designs’. Ryedale District Council should use High Malton as the template for all upcoming development. It should have the courage to kick out plans which don’t enhance the uniqueness of Malton and its surrounding countryside. It is the Council’s duty to put pride of place at the heart of policy
- Unreserved support. The proposal along with other on-going improvements by the Fitzwilliam Malton Estate, an important step forward for the towns progression
- As a company in Malton employing quite a number of staff from the location, we are extremely excited with the proposals submitted by the Estate which will be to the benefit of Malton, Norton and surrounding areas. We hope the outline will be granted.
- The development would be a great benefit to the Town in which we both work and many of us live. Also, it is proposed in such an extremely tasteful and imaginative style in harmony with the Town.
- I am the manager of an architectural ironmongers on Showfield Lane. I would have to be in favour of this development, new homes in the area keeps me in work. Unfortunately whenever a new project goes ahead, local architects don’t even give us a chance to price the work never mind offer it to us. The contracts all go out of town and I have to go further afield for work

SUMMARY OF STATUTORY CONSULTEE RESPONSES

Yorkshire Water

Recommend Conditions - to cover, in summary:

- The submission and approval of a site -wide phasing plan with development details and to include timing information for strategic foul water drainage features including sewerage, pumping stations and any necessary infrastructure; pumped discharge of foul water into the public sewer to not exceed 10 litres per second for the whole development; surface water drainage features necessary as part of a surface storm water management plan;
- No development to commence until the phasing plan is approved and all waste water infrastructure to be carried out in accordance with the approved timing in the phasing plan;
- The provision of separate systems of drainage for foul and surface water on and off site and no additional surface water to discharge into the public sewer network;
- The prevention of piped discharge prior to the completion of approved surface water drainage works or occupation of buildings prior to the completion of approved foul drainage works;
- Use of interceptor for surface water from vehicle parking and hard standings;
- The appropriate protection and/ or diversion of the public water supply; and
- Informatives relating to waste water and the protection of public water supply

Environment Agency

Recommend Conditions - to cover, in summary:

- Submission and approval of surface water drainage strategy to include : surface water run-off discharge at greenfield rate; provide sufficient attenuation and long term storage at least to accommodate a 1 in 30 year storm and designed to ensure that storm water from a 1 in 100 year event, plus 30% and surcharging the drainage system can be stored on site without risk to people and property and without overflowing into the watercourse; details of maintenance and management of the scheme after completion;
- Use, retention and maintenance of trapped gullies; and
- All rain water down-pipes to be sealed at ground level

Highways Agency

No objection

English Heritage

No comment - the application raises no significant heritage issues

Natural England

Object - Natural England has identified a likely significant impact on the purposes of the designation of the Howardian Hills AONB

Howardian Hills Area of Outstanding Natural Beauty Manager

Object - The various iterations of the photomontages indicate that built development of the nature that continues to be proposed cannot be adequately mitigated, even by substantial tree planting, to the extent that either it or the tree planting itself wouldn't have a major adverse visual impact on the AONB and its setting.

Vale of Pickering Internal Drainage Board

No comments

NYCC Public Rights of Way

Recommend Informative to protect the adjacent Public Right of Way

NYCC Historic Environment Team

Support the recommendation in the trail trenching report that no further archaeological work is required

NYCC Children and Young People's Services

Unable to support without adequate provision for additional school places. Financial contributions sought for Primary and Secondary education. In principle the land proposed for additional primary school provision would be an acceptable school site

NYCC Highways and Transportation

Recommend Conditions - to cover (in summary)

- Approval of site access details
- Detailed Plans of Road and footway Layout
- Construction of roads and footways prior to occupation of dwellings
- Discharge of surface water
- permanent site construction access
- visibility splays
- Approval of details for works in the highway
- Completion of works in the highway
- Parking for dwellings
- Restriction of garage conversion to habitable rooms
- Position of Doors and Windows opening over the highway
- Construction Traffic Management Plan
- Approval of a Travel Plan

Recommends a range of financial contributions to be secured by means of a Section 106 agreement (to which the Local Highway Authority would wish to be party)

North Yorkshire Police Designing Out Crime Officer

Comments and observations on the development concept and advice on designing out crime

Malton Town Council

Recommend approval subject to and contingent upon:

- The provision of a permanent access road to connect Castle Howard Road with York Road
- The release/provision of land by the applicant to provide for increased demand for education and health service
- Securing an adequate contribution to open space/play in the immediate vicinity of the development
- Full attention given to the recommendations from Highways and water/sewerage bodies

RDC Countryside Officer

Comments regarding the need for mitigation for bats and swallows

RDC Building Conservation Officer

No objection

RDC Environmental Health Officer (Ground Conditions)

Recommend conditions to ensure that the area around the vet surgery is inspected and any unforeseen contamination is investigated and remediated if necessary

Environmental Health Officer (Noise)

Concerned over the extent to which noise standards can be achieved

Environmental Protection Officer (Air Quality)

Recommend conditions relating to a Site Specific dust mitigation plan; Travel Plan and the provision of Electric Vehicle Charging points.

RDC Housing Services

Strongly object to the level of affordable housing proposed. Comments relating to design, size, type, mix of housing and affordable housing transfer values

RDC Tree and Landscape Officer

Analysis of tree survey and identification of implications. Strongly object to the proposed removal of the lime tree (T8). Recommends re-design of the layout to avoid adverse effect on trees/ future occupiers