

Item Number: 5
Application No: 14/00427/MOUTE
Parish: Malton Town Council
Appn. Type: Major Outline Environmental Statement
Applicant: Commercial Development Projects & Fitzwilliam Trust Corp
Proposal: Demolition of existing buildings and structures and erection of circa 227 residential dwellings (Use Class C3) along with all associated development including drainage, landscaping, cut and fill, formation of earth bund, boundary treatments (including noise mitigation measures) provision of services and access and associated highway works (site area 11.90ha)
Location: The Showfield Pasture Lane Malton North Yorkshire
Registration Date: 29 April 2014 **8/13 Week Expiry Date:** 19 August 2014
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

LEP Mr A Leeming	Support
Parish Council	Objection
Highways Agency (Leeds)	No objection
Mr Jim Shanks	Recommendations and advice on "designing out crime"
Natural England	Conditional Support
NY Highways & Transportation	No views received to date
Land Use Planning	Recommends conditions and comments made
Environmental Health Officer	Recommend condition.
Vale Of Pickering Internal Drainage Boards	No objection
Housing Services	No views received to date
Tree & Landscape Officer	No views received to date
Countryside Officer	Concerns regarding planning application.
Head Of Planning Services	Comments made regarding drainage and planting and access
NY Highways & Transportation	No views received to date
Archaeology Section	Recommend scheme of archaeological evaluation be undertaken
Economic Development	Support
National Grid Plant Protection	No views received to date
North Yorkshire Education Authority	Developer contributions sought
Sustainable Places Team (Yorkshire Area)	Recommend Conditions
Public Rights Of Way	No views received to date

Neighbour responses: Miss Anne McIntosh LL.B (Hons) MP, Mr Colin Jennings, Cllr Paul Andrews,

Overall Expiry Date: 7 August 2014

SITE:

The showfield site at Pasture Lane, Malton is comprised of two parcels of farmland, together with a small group of disused farm buildings. Pasture Lane abuts the southern site boundary with the A64 trunk road, forming the northern site boundary. To the east at lower level, is the established Showfield Lane industrial estate and to the west is Outgang Road, an un-surfaced lane which runs from Showfield Lane and which crosses the A64.

Further to the west is a substantial housing estate under construction by Taylor Wimpey Ltd. Three separate residential properties are located adjacent to the south-western corner of the site. The site generally falls from west to east and it is also elevated above the ground levels on Showfield Lane industrial estate. The land also rises from south to north across the parcel of land denoted as 'show ground'.

Plans showing the site location and illustrative layout are appended for Members information.

PROPOSAL:

This is an outline application for the erection of approximately 227 dwellings with associated access, landscaping, earthworks and highway works covering an area of 11.9 hectares. A 20 metre landscaped buffer is proposed adjacent to the northern boundary and 10 metre buffer to the eastern boundary with the rear of industrial properties in Showfield Lane.

Aside from access, all other matters are reserved. Details of the applicants design approach are set out in Section 5 of the submitted Design & Access Statement, which makes reference to the provision of single, two and two and a half-storey dwellings to blend with the locality and to reflect the proportions of existing estate scale developments in this part of the town.

POLICY:

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP2 - Delivery and Distribution of New Housing
Policy SP3 - Affordable Housing
Policy SP4 - Type and Mix of New Housing
Policy 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 SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues
Policy SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

HISTORY:

None relevant

APPRAISAL:

Principle of Development

Applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

The Ryedale Plan - Local Plan Strategy (LPS) provides recent and up to date strategic planning policies to guide development proposals. Clearly the LPS constitute one part of the development plan. The Council is in the process of preparing the Local Plan Sites Document which will identify a planned supply of allocations for proposed development. However, the Sites Document is still at a relatively early stage of production and on this basis, the principle of development is mainly informed by LPS development plan policies and the policy requirements of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

In terms of the strategic distribution of residential development within the plan, Policy SP1 identifies the general focus areas for development and specific settlement hierarchy within which Ryedale's future development requirements will be distributed. The policy identifies the hierarchy of settlements and the Primary Focus for Growth in Malton and Norton.

Policy SP2 (Delivery and Distribution of New Housing) identifies that at least 3000 new homes will be managed and delivered over the plan period to the hierarchy of settlements identified in Policy SP1. Of this 50% or approximately 1500 dwellings are directed to Malton and Norton.

The Plan's focus is on reflecting the character of settlements and roles of places. The Vision refers to Malton and Norton as the principal focus for growth and the opportunity for further growth. Reflecting this within the Spatial Strategy for Malton and Norton, the Plan outlines the intention of the Council to "Support the role as a District-wide Service Centre" with a focus on "new development and growth including new housing, employment and retail space..."

The Local Plan Strategy sets out the overall approach to the strategic residential allocations. The Council's Sites Document DPD, however, is not at an advanced stage with specific allocations being identified in the District. Applications for new housing development are required to be judged in this context.

The National Planning Policy Framework (NPPF) is also a significant material planning consideration.

The key paragraphs of the NPPF are:-

Paragraph 14: -

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, 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 this Framework indicate development should be restricted.⁹

For decision-taking this means:

- 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 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 this Framework indicate development should be restricted⁹.”

[Note 9 of the NPPF, states “For example, those policies relating to...designated assets...”]

Paragraph 47 of the NPPF states: -

“To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- 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;
- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.”

Paragraph 49 of the NPPF states: -

“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 local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Ryedale currently has a 4.39 year housing supply based on the most recent review of housing information reflecting the position as at 30 June 2014.

The implications of this shortfall cannot be underestimated because paragraph 49 of the NPPF is clear:

“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 local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.”

The net effect of this is that Paragraph 14 of the NPPF is of specific relevance:

“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 ...”

In the light of the current stated housing supply figure, this application is required to be considered in the context of the ‘presumption in favour of sustainable development’.

The Sites Document is still not at an advanced stage. The existing development limits, therefore, can only carry very limited weight at the current time. Therefore whilst the site is located on the edge of Malton the proposal is considered to be in line with the thrust of Policy SP2 in that it accords with the target for new development provision within Norton and Malton.

Achieving high quality development

The NPPF gives weight to quality homes, choice and the importance of good design.

Paragraph 50 states:-

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

Paragraph 56 states:-

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

Whilst no details are been formally submitted for approval at this outline stage, the proposal has been accompanied by an indicative layout that demonstrates the proposed form of development that can be developed on the site with further details agreed at reserved matters stage.

This site has again, already been promoted through the sites document work and appraised in the Council’s SHLAA document (Plots 581 and 282). The site is categorised as a Category 2 site, as being deliverable and desirable, but with some problems relating to noise from the adjacent industrial area. The SHLAA identifies that this compliance is capable of mitigation and therefore the site is suitable and available for development.

The submitted scheme is submitted as a market housing scheme and the application is accompanied by a detailed viability study which sets out the cross- subsidy arrangements that are proposed to deal with the funding arrangements of the re-located livestock market and the provision of a wholly affordable housing scheme of circa 50 dwellings on other land owned by the Fitzwilliam Trust Corporation. This is detailed on application 14/00429/MOUTE.

The viability appraisal has been approved by the Council’s Asset Management Surveyor and has been the subject of further negotiations during the processing of these applications.

In terms of market housing, it is anticipated that the reserved matters will provide for an appropriate mix of housing to satisfy the Council’s policy as set out in the Planning Design & Access Statements. 5% of the dwellings will also be required to be single-storey only.

Highway/Access/Traffic Issues

The proposal has been the subject of a detailed series of reports and further transport modelling in order to satisfy the requirements of NYCC Highways. The Highways Agency have no objection to the scheme insofar as it relates to the A64 trunk road.

Members will note that the Town Council have no objection to the principle of development on this site, but are objecting to the quantum of development on transport networks, sewerage and surface water disposal grounds.

This view is not shared by NYCC Highways who have provisionally indicated that the application is acceptable on highway grounds subject to a series of detailed conditions to be applied to any permission granted. These include the provision of a roundabout on Pasture Lane as indicated on the illustrative layout plan. Final written comments are awaited and will be reported on the Late Pages or at the meeting.

Draining/Flood Risk

Similarly, there are no objections to the development on the site taking place from any of the drainage bodies; these include the Environment Agency, Yorkshire Water and the Vale of Pickering Internal Drainage Board. Subject to the imposition of conditions, no sustainable planning objection is raised on the grounds of flood risk or sewerage infrastructure.

Noise/Residential Amenity

As mentioned earlier, the northern site boundary abuts the A64 and the eastern boundary abuts the rear of premises on Showfield industrial estate. An amended plan shows a 20 metre landscaped buffer to the northern boundary and a 10 metre landscaped buffer to the eastern boundary. Within both areas, a noise attenuation bund and fence is required to satisfy day and night time noise within the curtilages and within the dwellings proposed along the boundaries.

Following further negotiation, a detailed update report is expected which details those measures that need to be put in place to satisfy the Environmental Health Officer's concerns. These will need to be the subject of conditions imposed on the outline permission if granted.

There are no immediate residential properties along its noise sensitive boundaries and it is not anticipated that a detailed submission be likely to create any residential amenity problems elsewhere on the site for either existing neighbours or future residents.

Education

NYCC Education have confirmed that a contribution of £771.5k is required to address capacity deficiencies at Malton Country Primary School. A further contribution is also required to address capacity issues at Malton Secondary School.

Open Space

Discussions with regard to open space contributions are ongoing with the applicant, and Members will be updated at the meeting.

Economic Considerations

The Councils Economic Development Officer has written in support of this housing scheme. Aside from helping to boost the supply of housing and affordable housing the proposal is part of a linked package of applications that sets out to assist with the relocation of the livestock market and the other development at Eden Camp.

A letter of support has also been received from the Local Enterprise Partnership which recognises this point and which identifies the role that housing has to play in assisting economic growth across the LEP area. Copies of both responses are appended to this agenda.

Archaeology

The applicants have submitted a material assessment based on geological investigation of this site. NYCC Archaeology have requested further pre-decision investigations on site. The applicants have responded in writing advising that they considered this request to be excessive in the circumstances of this site because:-

In respect of Showfield, Peasey Hills and Eden Camp West, my reasons for recommending evaluation evacuation be a condition of the planning permission, rather than a requirement in advance of a planning decision being made, are twofold: the lack of any clear evidence for archaeological activity, and because these are outline applications with ample opportunity to further test the site in advance development.

The NPPF para 128 states:-

“Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

The NPPF does not define a ‘field evaluation’ but geophysical survey is one technique that can be classed as such, as defined in the PPS5 Practice Guide (which has been re-validated as Government endorsed guidance following the publication of the NPPF). Therefore, contrary to the responses from NYCCHT, a field evaluation has been undertaken and this has not identified any significant features of archaeological interest. As such it can be argued that evaluation excavation is not justified at this stage.

The clarify, the geophysical surveys concluded the following:-

Showfield - “Apart from ridge and furrow cultivation and a former field division, the survey did not identify any responses deemed to be of archaeological potential”.

Eden Camp West - “Apart from field boundaries which are marked on 1891 maps, the magnetic survey has not detected any responses which might be indicative of buried archaeology”.

Peasey Hills - “Archaeological features are evident in the eastern area surveyed only, i.e. beyond the limits of the application area”.

At Old Malton, the clear evidence for archaeological activity identified by geophysical survey has been tested through evaluation excavation and the accuracy of the technique confirmed. This is in accordance with a staged programme of archaeological work, where the need for each stage is judged on the results of the preceding stage. Where there has been clear evidence for archaeological activity identified, our client has committed to programmes of work that allow a proper identification and understanding of those remains. In the case of the sites where no archaeological remains have been identified, there is still a commitment on our client’s part to commission archaeological evaluation to test the results of the geophysical survey and, if appropriate, develop a mitigation strategy that will allow archaeological remains to be excavated and recorded in advance of development”.

NYCC’s Historic Environment Team have responded stating that they consider that the archaeological potential of the site is not fully understood and therefore, the proposal is contrary to Paragraph 128 of the NPPF. NYCC Historic Environment Team also make reference to the reasonableness of a condition, in these circumstances making reference to Circular 11/95, although the circular has now been deleted following production of the National Planning Policy Guidance.

In this instance, there is clearly an impasse and officers that appraised the submitted information in the context of Policy SP12 and the overall approach contained in the NPPF and NPPG. It is considered that in the planning balance, it is possible to apply conditions to secure further investigation prior to the commencement of any development on site.

NYCC Historic Environment Team has advised that if Members are minded to concur with this view, that the following conditions should be imposed:-

1.
 - A) No development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - i. The programme and methodology of site investigation and recording
 - ii. Community involvement and/or outreach proposals
 - iii. The programme for post investigation assessment
 - iv. Provision to be made for analysis of the site investigation and recording
 - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - vi. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

Reason:- In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary safeguarded, in accordance with the National Planning Policy Framework.

2. The details submitted in pursuance of Condition no. 1. (above) shall be preceded by the submission to the Local Planning Authority for approval in writing, and subsequent implementation, of a scheme of archaeological investigation to provide for:
 - (i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area;
 - (ii) An assessment of the impact of the proposed development on the archaeological significance of the remains;

Reason:- In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary safeguarded, in accordance with the National Planning Policy Framework.

3. The applicant shall formally notify the Local Planning Authority in writing within 14 days of the completion of archaeological mitigation fieldwork.

Reason:- In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary safeguarded, in accordance with the National Planning Policy Framework.

4. Within 24 months of completing the archaeological field investigations required by condition 1 (above), a report which shall comprise of an assessment of the archaeological remains recovered from the site and an outline of the subsequent programme of analyses, publication (including a date for publication) and archiving, shall be submitted to and approved in writing by the Local Planning Authority. The programme of analyses, publication and archiving shall thereafter be carried out in accordance with the details thus approved, and in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason:- In order to ensure the archaeological resources at the site are adequately investigated, understood, and where necessary safeguarded, in accordance with the National Planning Policy Framework.

On balance, the officers recommendation is that the above-mentioned conditions should be imposed if permission is granted to ensure that this matter is properly controlled and to satisfy both Local and National Policy.

No objections have been received on the grounds of Ecology; Landscaping/Trees or Designing Out Crime subject to the imposition of appropriate conditions and final clearance on the submitted bat survey information.

Third Party Responses

Malton Town Council recommends that this application be rejected principally on the grounds that it proposes a development of significantly too large a volume to be accommodated satisfactorily in terms of the transport network and sewerage and surface water disposal arrangements. This location currently has restricted access at both ends of the main highway, and recent approvals of a superstore and further residential development will add to the pressure on the essential infrastructure.

The Town Council does not in principal object to residential development on the site. Its objection is to the volume of the proposal.

If despite the Town Council's objection, approval is considered, it would ask that:-

1. Full consideration is given to the findings of the NYCC led flood impact investigation in terms of any impact this proposal might have, and also to give consideration to any opportunity to seek from the developer assistance towards permanent remedies or updated to meet current deficiencies in a system upon which this proposed development will rely.
2. An appropriate and sufficient sum be secured from the developer to assist the provision of new and upgraded open space and play provision in the immediate locality of the site.

There have been 2 objections to this application on the grounds of inadequate road network and other drainage infrastructure.

1 letter of support has been received stressing the need for further new housing in the town.

In summary, this application (which also comprises EIA development) is considered to accord with the policies contained in the adopted Development Plan. It is also considered to satisfy national planning policy as set out the National Planning Policy Framework taken as a whole, which seeks to promote sustainable development.

Conditions and developer contributions will be imposed and form part of the decision notice in order to satisfactorily mitigate any impacts arising from the development and to offset any major adverse effects that may otherwise occur as detailed in the officer report.

RECOMMNDATION: **Approval subject to completion of a Section 106 Agreement relating to developer contributions and conditions**

DETAILED CONDITIONS TO FOLLOW IN THE LATE PAGES