

Item Number: 6
Application No: 14/00428/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, conversion of retained buildings to residential dwellings and erection of new residential dwellings (Use Class C3) (circa 35 dwellings in total) along with all associated development including drainage, landscaping, boundary treatments, provision of services and access and associated highway works (site 2.0ha)
Location: Land South Of Westgate Old Malton Malton North Yorkshire
Registration Date: 29 April 2014 **8/13 Week Expiry Date:** 19 August 2014
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Building Conservation Officer	No objection following receipt of further information
Vale Of Pickering Internal Drainage Boards	Concerns over flooding
Environmental Health Officer	Recommend conditions
Housing Services	No views received to date
Tree & Landscape Officer	Recommendations made
Countryside Officer	No objection - recommends activity survey
Archaeology Section	Recommend scheme of archaeological evaluation be undertaken.
Highways Agency (Leeds)	No objection
Land Use Planning	Recommend conditions
Sustainable Places Team (Yorkshire Area)	Conditional support
Economic Development	Support
National Grid Plant Protection	No views received to date
English Heritage	Objection in part
NY Highways & Transportation	No objection - recommend conditions and informatives
North Yorkshire Education Authority	Developer contributions sought.
Head Of Planning Services	Comments made regarding drainage and landscaping
LEP Mr A Leeming	Support
Parish Council	Recommend approval
Mr Jim Shanks	Recommendations and advice on "designing out crime"
Natural England	Conditional Support

Neighbour responses: Mr S Watson, Mr P Sanderson, Mr Stephen Watson, Mr Adam Hall, Miss Anne McIntosh LL.B (Hons) MP, Mr David White, Mr Nick Greenhalgh, Mr David Sawyer, Cllr Paul Andrews, Mrs Dorianne Butler,

Overall Expiry Date: 19 August 2014

SITE:

The Old Malton site is located to the south of Westgate, partly on the site of the former Council depot and the Coronation Farmstead. Further to the south is a paddock which abuts Westfold and the rear of properties on Town Street. The southern side of the site is bounded by the cemetery, allotments and

continuation of the vehicular access serving the Royal Oak public house and five other residential properties.

A public footpath abuts the eastern site boundary of the paddock area. The site has a total area of approximately 2 hectares. The area associated with Coronation Farm and the eastern extremity of the paddock area lie within the designated Conservation Area. All of the Coronation Farm complex and the former Council depot area lie within the development limits. The paddock area is outside of but immediately adjacent to the identified development limit for the village.

There are no listed buildings located on the site, however, there are four traditional farm buildings which are considered to be worthy of retention and these are shown as retained structures on the proposed illustrative plans.

Part of the site is located in Flood Zone 2 and the application has been accompanied by a detailed Flood Risk Assessment.

PROPOSAL:

This is also an outline application with access detailed at this stage. The proposal includes the demolition of all of the modern depot and farm buildings with only the retention of those existing buildings of merit. In total, the illustrative layout shows 35No. dwellings on the site ranging between, 2, 3 and 4 bedrooms in size, together with associated access, landscape and highway works.

Following initial comments from the Council's Building Conservation Officer, a revised Design Guide has been submitted together with a Heritage supporting statement indicating key viewpoints in and out of the designated Conservation Area and a revised layout drawing. These are all appended for Members information.

The revised layout provides for a 'tighter' form of development on the northern section of the site, reflecting the dense visual pattern of development in Westgate and into Town Street. On the paddock, the nature of the layout opens out around an open green with the layout more open where it abuts the cemetery and open fields further to the west. The Design Guide identifies spans, materials and roof pantiles to match the vernacular traditional of the locality.

POLICY:

National Policy Guidance

National Planning Policy Framework
National Planning Policy Guidance
Sections 66(i) and 72(i) of The Planning (Listed Buildings and Conservation Areas) Act 1990

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 constitutes 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 is 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.

This site has already been promoted through the Sites Document work and approved in the Strategic Housing Land Availability Assessment (Plots 325, 350 and 243). These are categorised as Category 1 and 2 with Plot 325 only regarded as a Category 2 site because of access constraints. This has been resolved by the current application which shows a single access onto Westgate.

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 restricted.⁹”

[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 site lies immediately adjacent to the development limit for Old Malton and it is acknowledged that these have been carried forward from the previous Ryedale Local Plan. However, it is also accepted by the Council that, the development limits will have to be reviewed through the Sites Document in order to accommodate new allocations.

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 Old 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 (including Old 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 to be agreed at reserved matters stage.

Impact on the Conservation Area and Listed Building

Members are advised that the Local Planning Authority has a statutory **duty** under legislation relating to Listed Buildings and Conservation Area.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides, so far as material: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 72(i) in the exercise, with respect to any buildings or other land in a Conservation Area, of any functions..., special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National policy and guidance regarding the impact on heritage assets is set out in the National Planning Policy Framework (NPPF) and the recently published Planning Practice Guidance (PPG).

Paragraph 129 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise.

Paragraph 131 states in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 133 states where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In the context of the application and its impact on the Conservation Area, additional information was requested from the applicants in the form of a more detailed assessment on the setting of nearby listed buildings and the Conservation Area and its setting. The additional information is appended to this report for Members information.

The Council's Building Conservation Officer has reviewed the proposals in the light of the more detailed assessment and concludes by raising no objections to the scheme. The Building Conservation Officer's comments are appended in full and conclude by stating:-

"In my opinion this development causes very much less than substantial harm to the identified heritage assets and, according to the NPPF, this should be weighed against the public benefits of the scheme. The Planning (Listed Building and Conservation Areas) Act 1990 requires that Local Planning Authorities shall have special regard to the desirability of preserving the (listed) building or its setting and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Given the considerations stated above I am of the opinion that this development will accord with these provisions".

It is of note that English Heritage have also been re-consulted in the light of the further information and whilst they raise no objection to the development of the former Council depot and Coronation Farm complex, remain opposed to the development of the southern half of the site (the paddock). Whilst outside of the designated Conservation Area for the most part, English Heritage consider that its open character is important to the setting of the adjacent Conservation Area.

Both the Council's Building Conservation Officer and English Heritage's advisor agree that the scheme causes "less than substantial harm" to the designated asset. In such circumstances, the level of harm is required by Paragraph 134 of the NPPF to be weighed against the public benefits of the scheme, including securing its optimum viable use. In this instance, the public benefits are considered to be substantial insofar as the scheme generates the provision of 35No. dwellings in a sustainable location; the provision of 4No. affordable units of accommodation on site and a contribution towards the overall re-location of the livestock market as evidenced through the submitted viability appraisals. The Council's Building Conservation Officer judges the harm to the setting of the designated assets to be extremely limited stating that due to the screening, distance and the fact the large majority of setting significance, can be derived from the fact that the houses are located within a village street setting of close built frontage development. In my view, there is very much less than substantial harm to the setting of listed buildings.

The setting of the Conservation Area does derive some significance from the fact that this is the undeveloped rural edge of the village. I am of the opinion, however, that the benefit elsewhere on the site from the re-development of unsightly areas, coupled with sensitive design parameters, screening, existing views of late C20 development results in a minimal effect which is very much less than substantial harm to the setting of the Conservation Area.

Officers consider, therefore, that the proposal satisfies the requirements of the NPPF and also Local Plan Strategy Policy SP12, which requires that the historic environment will be conserved and where appropriate, enhanced. The primary legislation which imposes duties under Sections 66(i) and 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also considered to be satisfied.

Archaeology

Following the submission of an initial report and geophysical survey, NYCC Archaeology requested a more detailed excavation of the site in the form of trial trenching. As a proportionate response, given the identified archaeological sensitivity of the site, a scheme of trial trenching has been carried out and

the results assessed by NYCC Archaeology who recommend the imposition of a further planning condition.

Access, Traffic Issues

The application has been appraised by both the Highways Agency and NYCC Highways. The Highways Agency have no objection and NYCC Highways have no objection subject to the imposition of conditions.

Drainage/Flood Risk

The matter of foul and surface water has been the subject of a detailed Flood Risk Assessment which has been appraised by all of the relevant drainage bodies. Yorkshire Water raise no objections subject to conditions; similarly the Environment Agency raise no objection subject to the development being carried out in full accordance with the approved Flood Risk Assessment by ARP dated March 2004 subject to mitigation measures detailed including the setting of finished floor levels - no lower than 20.36m above Ordnance Datum (AOD) - at least 300mm above ground levels within any areas of Flood Zone 2, and the imposition of flood proof/residence techniques as detailed in Paragraphs 14-19 of the FRA.

A condition is also required to limit surface water drainage run-off from the site - limited to a 30% reduction over existing discharge - a maximum of 56 litres/second. The Vale of Pickering Internal Drainage Board, whilst not objecting to the proposal have suggested that the run-off rate should be reduced further still. This matter has been taken up with the applicants who are in further discussion with the IDB and Members will be updated on any progress on the Late Pages or at the meeting.

Design Considerations

The overall layout and design has been considered by officers and the Building Conservation Officer, given its location partly within and partly without the Conservation Area. The layout shows a 'tighter' more dense street pattern on the northern section of the site which is considered to blend well with the form of the existing streetscenes in Town Street and Westgate. Subject to the design criteria set out in the 'Clarity Design Guide' dated 10 July 2014, the proposal is considered to be acceptable.

The Police Designing Out Crime Officer has recommended that a planning condition is placed on any outline permission that is granted to require the provision of full details of how crime prevention has been considered and incorporated into the design and layout of the detailed scheme.

Landscaping/Impact on Trees

The Council's Tree & Landscape Officer has raised no objections to the scheme which is currently in outline form, subject to conditions. In particular, the detailed siting of dwellings nearest to a group of Lime trees along the southern boundary should be limited to being no nearer than 15 metres to the tree trunks. This can be controlled by way of a specific planning condition.

Ecology

A bat survey has been carried out on the site which has identified 2No. single summer bat roosts on the site, subject to mitigation relating to new roost creation and a Method Statement regarding on-site work. The final views of the Countryside Management Officer are awaited and will be quoted at the meeting.

Economic Considerations

The Council's 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 seeks to assist with the re-location of the livestock market and the

development at Eden Camp and is strongly supported.

Developer Contributions

Members will be aware that the applicant proposes that 4No. 2-bedroomed dwellings will be provided as affordable units.

NYCC Education have confirmed that a contribution of approximately £119k will be required to meet an identified shortfall at Malton Community Primary School, together with a further contribution to meet an identified shortfall at Malton Secondary School. The submission of developer contributions as described is considered to satisfy Policies SP10 and SP22 of the Ryedale Plan - Local Plan Strategy.

Discussion regarding open space matters are on-going between the applicant and the Councils Asset Management Surveyor. Members will be updated at the meeting.

Third Party Comments

Malton Town Council's comments are appended in full to these agenda papers. Members will note that the Town Council recommends the application be approved subject to:-

1. The findings of the NYCC led flood impact investigation in terms of any impact this proposal might have; and
2. Any opportunity to seek from the developer assistance towards permanent remedies or upgrades to met current deficiencies in a system upon which this proposed development will rely.

In addition to the above comments, 10No. third party letters have been received raising the following issues:-

- Adverse impact on the visual amenity of the locality;
- Adverse impact on heritage assets - Conservation Area and Listed Buildings;
- Site in Flood Zone - increased risk of flooding;
- Increased traffic on Westgate - impacts on road safety;
- Scale of development;
- Impact on archaeology;
- Impact on ecology.

These matters have been addressed in the officer report above.

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.

RECOMMENDATION: Approval subject to the satisfactory completion of a Section 106 Agreement relating to developer contributions and the following conditions

DETAILED CONDITIONS TO FOLLOW WITH THE LATE PAGES