

Item Number: 7
Application No: 14/00429/MOUTE
Parish: Malton Town Council
Appn. Type: Major Outline Environmental Statement
Applicant: Commercial Development Projects & Fitzwilliam Trust Corp
Proposal: Erection of circa 50no. affordable residential dwellings (Use Class C3) along with all associated development including drainage, landscaping, formation of earth bund, boundary treatments (including noise mitigation measures) provision of services and access and associated highway works (site area 3.4 ha)
Location: Land At Rainbow Lane Malton North Yorkshire
Registration Date: 29 April 2014 **8/13 Week Expiry Date:** 19 August 2014
Case Officer: Gary Housden **Ext:** 307

CONSULTATIONS:

Archaeology Section

Vale Of Pickering Internal Drainage Boards No objection
Environmental Health Officer No views received to date
Housing Services No views received to date
Tree & Landscape Officer No views received to date
Countryside Officer Comments received
Highways Agency (Leeds) No objection
Land Use Planning Recommends conditions and comments made
Sustainable Places Team (Yorkshire Area) Acceptable if a planning condition is included requiring drainage details
Economic Development Support
National Grid Plant Protection No views received to date
North Yorkshire Education Authority Developer contributions sought
Public Rights Of Way No views received to date
LEP Mr A Leeming Support
Parish Council Recommend approval
Mr Jim Shanks Recommendations and advice on "designing out crime"
Natural England Conditional Support
Sustainable Places Team (Yorkshire Area) Recommend Condition
NY Highways & Transportation No objection - recommend conditions

Head Of Planning Services Comments made regarding off-site, flooding and landscape

Neighbour responses: Mr Richard Anderson, Mrs Debbie Walls, Miss Melissa Hewitson, Mr Nigel Sutherland, Mrs Joanne Pople, P Jackson, Mr Wayne Fox, Mrs Sarah Benton, Mrs Melanie Wright, Miss Anne McIntosh LL.B (Hons) MP, Melanie Wright, Cllr Paul Andrews, Andrew Garrens, Mrs Joyce Birch,

Overall Expiry Date: 19 August 2014

SITE:

This site is located immediately to the north of an existing residential estate, the nearest properties being

located on Dickens Road. It is an irregular shape bounded by the A64 to the north and by Rainbow Lane to the east. In the north-east corner of the site, there is a 'dog-leg' in the site boundary where the site adjoins the Rainbow Equine veterinary surgery. The site slopes from south to north, toward the A64 trunk which is partly elevated above the ground level of the site.

The site has an area of approximately 3.4 hectares only and is visible on the edge of the settlement when travelling along the A64, although clear views are readily obtainable close to the site. More distant views are obtainable from the minor County highways and public rights of way located further to the north of the A64 by-pass.

The site has partial hedgerow boundaries alongside Rainbow Lane and along the boundary with the A64. The boundary on the rear of the properties on Dickens Road is currently marked by a variety of domestic screens and fences.

PROPOSAL:

This is an outline application with all matters other than access reserved for further approval. The originally submitted illustrative layout made provision for a typical 'cul-de-sac' layout with a landscaped buffer/green space to the rear of properties on Dickens Road. The site is shown with a significant landscaped buffer on its other boundaries with an acoustic buffer proposed next to the A64 trunk road.

All of the properties are proposed to be affordable with an indication of 1, 2, 3 and 4-bedroomed homes proposed.

Arising from concerns relating to noise from the A64, an alternative site layout has also been submitted which comprises a combination of 1 and 2-bedroomed flats and 2 and 3-bedroomed dwellings to overcome the spread of noise onto parts of the site that would be developed for residential purposes. The revised scheme indicates up to 50 No. dwellings to be provided on site. The revised scheme again shows landscaping and green space to the area of properties in Dickens Road and extensive landscaping of the other boundaries. Re-consultation has taken place locally and the revised plan and Members will be updated with any further comments at the meeting.

A letter of support from Broadacres Housing Association has been received which is also appended for Members information.

HISTORY:

None relevant

POLICY:

National Policy Guidance

National Planning Policy Framework
National Planning Policy Guidance

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

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 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 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.

A significant proportion of this site has been promoted through the Site Document with an appraisal in the Councils Strategic Housing Land Availability Assessment (Plot 323). The site was categorised as category 2, as being deliverable with some constraints arising from traffic noise from the A64. The category 2 constraint identifies that the constraint is however capable of mitigation and therefore available and suitable the site is for development.

The submitted application is for a wholly affordable housing scheme and is promoted in order to deliver a mix and range of affordable housing on site through a registered provider. A supporting letter from Broadacres is appended to this report for Members information.

Although submitted in outline the applicants have submitted two alternative schemes. The first proposal showed a conventional cul-de-sac layout and provided circa 45 units of residential accommodation.

An assessment of noise issues had revealed that these dwellings would require mechanical ventilation to achieve satisfactory internal noise levels. This was not considered to be acceptable to the Council's Environmental Health Officer. As a result an amended illustrative layout showing a combination of flats and houses has been submitted which provided better acoustic screening and is not reliant on mechanical ventilation. The revised scheme provides for circa 36 No. dwellings which are 1 and 2 bed flats and 16 No. 2 and 3 bed houses. Reconsultation has occurred on the revised scheme and Members will be updated on the late pages and at the meeting if further comments are received.

The site is located immediately adjacent to the existing development limit which has been carried forward from the Ryedale Local Plan 2002. These limits are being reviewed as part of the Sites work to accommodate new housing allocations. The existing development limits can only carry limited weight at the current time because the Sites Document DPD is not at an advanced stage. In broad terms however, the proposal is considered to be in line with the requirements of Policy SP2 as it applies to the principle towns of Malton and Norton.

Access/Traffic/Highway Issues

Members will note that local concerns, however, have been raised about traffic and the location of the access road at the end of Rainbow Lane. The proposals have been appraised by both the Highways Agency (who raise no objection) and also NYCC Highways who again raise no objections subject to a series of detailed highway conditions.

Noise

As mentioned earlier in this report noise has been a significant consideration in the processing of this application. Detailed acoustic assessments have been carried out which have revealed that the original scheme would be reliant on mechanical ventilation to provide a satisfactory living environment for future residents.

The revised scheme provides as part of its design a 'barrier' to the A64 to which is the principle noise source. This is principally provided by the proposed buildings themselves but also augmented by a 3 metres high bund adjacent to the A64 which is also proposed to be landscaped and planted.

Formal comments are awaited from the Council's E.H.O. following further negotiations on this matter although it is anticipated that concerns regarding noise can be satisfactorily mitigated subject to the implementation of appropriate planning conditions.

Drainage / Flood Risk

Subject to conditions no technical objections have been raised on foul or surface water or flood risk issues from the statutory consultees.

Education

Arising from the original scheme of c.45 no.2 and 3 bed dwellings a calculation of approx £153k has been requested from NYCC to address deficiencies at Malton County Primary School.

A further contribution is required to address deficiencies in capacity at Malton Secondary School.

Further comments are awaited in respect of the revised scheme showing circa. 50 dwellings, a combination of flats and houses.

Impact on Residential Amenity

This site lies to the north of existing dwellings in Dickens Road. Members will appreciate that there is a relatively steep fall across the site from south to north, away from the adjacent residential properties. Both schemes provide for significant landscaping and open areas adjacent to the southern access. Whilst indicative and in outline the separation distances are in the order of 35 metres back to back. The nearest dwelling on the latest layout is located some 27 metres from the boundary at its nearest point. Significant planting is also around all of the sites boundaries. In the light of these considerations, it is not considered that the scheme will result in a material adverse impact on residential amenity grounds. The proposal will, of course, impact on individuals' views but this is not a material planning consideration. Members will have noted that the Council has received 12 objection letters, principally from residents in Dickens Road to the development of the open field behind their dwellings. A petition with 57 signatories (again principally made up of residents from Dickens Road) has also been received. The petition is titled "This is the field behind our houses in Dickens Road". Lets work together to try and stop it please sign below' the petition and all third party responses can be viewed on the Councils website.

Design and Landscape Impact

The design of the latest layout provides for a 'barrier' scheme close to the northern site boundary occupiers of single aspect 1 and 2 bedroomed flats which are at a combination of 2 and 3 storeys. These act as a shield to the additional proposed dwellings to the south, further onto the site.

In addition to the 'barrier' buildings the applicants propose a relatively modest 3 metre high bund alongside the boundary with the A64 by pass which is graded and proposed to be planted to assimilate into the landscape.

The scheme proposes for a mix of flats and houses to contribute to meeting the affordable housing needs of Malton and Norton. The type and mix of affordable housing is considered to be appropriate by Broadacres and if approved would be delivered through an accompanying S106 agreement.

The Police Designing Out Crime Officer has no objection but again recommends that a condition is imposed regarding the future development to provide full details of how crime prevention has been considered and incorporated into the final design and layout.

Archaeology

The applicants have submitted an initial 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 still 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 have therefore 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 in this instance prior to the commencement of any development on site, and for the most part at reserved stage.

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 officer 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.

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.

Members will note that the Town Council have supported the scheme in principle subject to:-

1. The findings of the NYCC led flood impact investigation in terms of any impact on this proposal might have,
2. Any opportunity to seek from the developer assistance towards permanent remedies or upgrades to meet current deficiencies in a system upon which this proposed development will rely, and
3. The securing of an appropriate sum to assist extension and upgrading of open space and play area in the immediate locality of the site.

Issues raised by third parties objecting to the scheme include;

- Loss of view
- Loss of property value
- Concern about location of access
- Adverse impacts through increased traffic
- Objection in principle of development
- Concentration of affordable housing
- Concern over school capacity
- Adverse impacts on privacy
- Adverse impacts on wildlife
- Adverse impact on nearby equine veterinary surgery
- Concern over security

One letter of support acknowledged the future need for new housing in the town has been received.

The issues raised by third parties have already been appraised in this section of the report. Any further comments received will be reported to Members.

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