

14/947



LAND, PLANNING AND DEVELOPMENT CONSULTANTS

SUPPORTING PLANNING STATEMENT

FOR

THE ERECTION OF RESIDENTIAL DEVELOPMENT

AT

THE LAND AT THE REAR OF 5-17 COMMERCIAL STREET

NORTON

FOR

MR P SEDMAN

RYEDALE DM
- 8 DEC 2014
DEVELOPMENT
MANAGEMENT

4.9.14

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1. Introduction

1.1 This statement provides support for a Detailed Planning Application for residential development on land to the rear of 5 – 17 Commercial Street, Norton, Malton, North Yorkshire and should be read in conjunction with the Design and Access Statement prepared by The Planning and Design Partnership.

2. Site Location and Description

2.1 The site is roughly rectangular in shape and is some 0.4952 ha (1.224 acres) in area and it lies to the north of Commercial Street, Norton to the rear of No.s 5 to 17 Commercial Street.

2.2 The site comprises two parts. The first being the premises of the former ATS tyre depot to the east which includes two workshops on the northern and eastern boundaries with associated hard standing to the front. The second is land to the west and to the rear of No.s 5 to 15 Commercial Street, which includes a garden area of the adjacent properties together with a now cleared area of previously self-planted shrubs. The site is bounded to the north by the York Scarborough railway line, to the west by residential development, to the south by a row of terraced properties in a mix of commercial and residential uses and the east by partly commercial properties, but mainly scrubland. The whole site is shown edged red on Fig. 1 below.



3. Proposals

.1 The proposal is for the erection of residential development of 62 dwellings comprising the following accommodation schedule:-

Schedule of Accommodation

AFFORDABLE RENTAL (45 No. UNITS)

28 No. 1 BED APARTMENTS (UNITS 5, 6, 7, 8, 9, 13, 14, 15, 23, 24, 25, 26, 27, 32, 33, 34, 39, 40, 41, 42, 43, 48, 49, 50, 53, 54, 60, 61)

15 No. 2 BED APARTMENTS (UNITS 3, 4, 16, 17, 21, 22, 35, 36, 37, 38, 51, 52, 55, 56, 59)

LOCAL AUTHORITY INDEPENDENT LIVING (2 No. UNITS)
2 No. 4 BED TOWNHOUSE (UNITS 1, 2)

PRIVATE RENTAL (17 No. UNITS)
8 No. 1 BED APARTMENTS (UNITS 11, 12, 28, 31, 44, 46, 47)
5 No. 2 BED APARTMENTS (UNITS 10, 29, 45, 57, 58)
3 No. 3 BED TOWNHOUSE (UNITS 18, 19, 20)
1 No. 1 BED STUDIO
TOTAL 62 UNITS

(See the following drawings submitted with the application:-

YEW-277-015		LOCATION PLAN
YEW-277-015	01	EXISTING SITE PLAN
YEW-277-015	02	PROPOSED SITE PLAN
YEW-277-015	03	PROPOSED SITE ELEVATIONS AND VIEWS (Sheet 1 of 2)
YEW-277-015	05	PROPOSED SITE ELEVATIONS AND VIEWS (Sheet 2 of 2)
YEW-277-015	06	ELEVATIONS (Sheet 1 of 3)
YEW-277-015	07	ELEVATIONS (Sheet 2 of 3)
YEW-277-015	08	ELEVATIONS (Sheet 3 of 3)
YEW-277-015	10	BASEMENT PLAN
YEW-277-015	11	PROPOSED GROUND FLOOR PLAN
YEW-277-015	12	PROPOSED FIRST FLOOR PLAN
YEW-277-015	13	PROPOSED SECOND FLOOR PLAN
YEW-277-015	14	PROPOSED THIRD FLOOR LOFT PLAN

4. Planning Policy

4.1 The main issue in respect of the proposal is whether the principle of development is acceptable from a planning standpoint and to determine this we turn to the Planning Acts.

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "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 plan unless material considerations indicate otherwise". The development plan for the Ryedale District comprises the policies in The Ryedale Plan – Local Plan Strategy (adopted on 5th September 2013).

4.3 It's relevant policies are as follows:-

The Ryedale Plan – Local Plan Strategy 2013
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 SP12 - Heritage
Policy SP16 - Design
Policy SP 17 - Managing Air Quality, Land and Water Resources
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues

4.4 In addition and of equal relevance is the Government's National Planning Policy Guidance, the relevant paragraphs and references of which are:-

Paragraphs 11-16 Presumption in Favour of Sustainable Development Ministerial Forward
Paragraph 17 Core Principles
Paragraph 39 Promoting Sustainable Transporting
Paragraphs 47, 49, 50 Delivering a wide choice of High Quality Homes
Paragraphs 56, 60, 61 and 65 Requiring Good Design

Paragraphs 94 and 95 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Paragraphs 109 - 125 Conserving and Enhancing the Natural Environment
Paragraph 159 Plan Making
Paragraphs 186, 187, 196 and 197 Decision-Taking
Paragraphs 210 - 216 (inclusive) Annex 1

- 4.5 The Council's Malton and Norton River Rail Corridor Study is also relevant and to which reference will be made later.

5. Key Issues

- 5.1 Whilst the application is only in outline with siting design and access under consideration, we believe that it is worth considering also at this stage, the following key issues when assessing this proposal. These are therefore:-

1. Sustainable Development
2. The Principle of Housing
3. The Provision of Affordable Housing
4. Siting, Scale, Design and Effect Upon the Character of the Area
5. Impact on Heritage Assets
6. Flood Risk, Drainage and Climate Change
7. Impact on Highways
8. Residential Amenity
9. Noise from Adjacent Uses
10. Public Open Space
11. Impact on Nature Conservation and Protected Species
12. Archaeology
13. Ground Conditions
14. Trees

To take each in turn:-

- 5.1.1 Sustainable Development
A number of references are made to the presumption in favour of sustainable development in the NPPF.

In the Ministerial Forward it states that:-

'Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.'

and at Paragraph 14 states:-

'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 restricted⁹

For decision-taking this means:¹⁰

●● *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

(Our emphasis)

Footnote 9

For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

Footnote 10.

Unless material considerations indicate otherwise.'

5.1.2 At paragraph 17 under the heading 'Core Planning Principles' the document sets out 12 planning principles of which the following is particularly relevant namely:-

'...proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area....'

(Our emphasis)

5.1.3 In addition, at paragraph 49 it states that:-

'49. Housing applications should be considered in the context of the presumption in favour of sustainable development....')

5.1.4 The document continues a paragraph 50:-

'50. 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,....)'*

(Our emphasis)

5.1.5 Paragraph 50 is reinforced at paragraph 159 under the heading 'Plan Making – Housing' where it states:-

'159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

.....—addresses the need for all types of housing, including affordable housing 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); and

—caters for housing demand and the scale of housing supply necessary to meet this demand;...'

(Our emphasis)

5.1.6 We find further support for the proposal at paragraph 187 which states:-

'187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where

possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'

(Our emphasis)

- 5.1.7 and at paragraph 197 under the heading 'Determining applications we find further support as follows:-

'197. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'

(Our emphasis)

- 5.1.8 In The Ryedale Plan – Local Plan Strategy at Paragraph 1.2 of the Introduction to the plan states:-

'1.2 The purpose of the Ryedale Plan is to encourage new development and to manage future growth whilst ensuring that change across the District is based on a presumption in favour of sustainable development.'

(Our emphasis)

and at Policy SP1 - General Location of Development and Settlement Hierarchy it states:-

'SP1 General Location of Development and Settlement Hierarchy

Ryedale's future development requirements will be distributed and accommodated in line with the Spatial Strategy Summary and on the basis of the following hierarchy of settlements:

Principal Town - Primary Focus for Growth

· Malton and Norton (including Old Malton*)

.....In allocating and releasing development sites at the above locations:

· the use of deliverable and developable Brownfield land will be prioritised and development will be guided to areas with lowest flood risk, taking account of the vulnerability of types of development and the need to achieve sustainable development and in accordance with the requirements of the Government's latest flooding guidance

Additionally as part of the site selection process, the Local Planning Authority have regard to the deliverability and developability of sites and their ability to:

· deliver against the Objectives and Policies of the Plan, policy standards and Community Infrastructure Levy (CIL) requirements

· support access on foot to centrally located shops, services and facilities

· be compatible with neighbouring land uses

· avoid adverse impacts on interests of acknowledged importance

· be accommodated without detriment to the character of the settlement and its setting

· satisfactorily address highway capacity and safety'

(Our emphasis)

- 5.1.9 Further policy support is found at Policy SP19 'Presumption in Favour of Sustainable Development' which 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 in 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.'

5.1.10 We submit that the site is in a sustainable location and therefore meets the requirements of the Ryedale Local Plan and NPPF.

5.2 The Principle of Residential Development

5.2.1 The NPPF under the heading 'Delivering a wide choice of high quality homes' the document states at paragraph 47 that:-

'47. 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 deliverable¹¹ 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, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

11 To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.'

(Our emphasis)

5.2.2 The Council have only recently confirmed that they have a demonstrable 5-year supply of housing sites. However to maintain this position the Council will require a continuing supply of housing sites particularly as it appears that the housing market is gaining momentum again. We submit therefore that in the light of this position and that which will explain later in this statement is that there is an overriding case for granting planning permission.

5.2.3 Turning to The Ryedale Plan – Local Plan Strategy we find support at Policy SP1 under the heading General Location of Development and Settlement Hierarchy where it states that:-

SP 1 General Location of Development and Settlement Hierarchy

Ryedale's future development requirements will be distributed and accommodated on the basis of the following hierarchy of settlements:

Principal Town - Primary Focus for Growth

· Malton and Norton (including Old Malton)*

Local Service Centres (Market Towns) – Secondary Focus for Growth

· Pickering

· Kirkbymoorside

· Helmsley....'

(Our emphasis)

- 5.2.4 Policy SP2 also supports the proposal as under the heading Delivery and Distribution of New Housing states that:-

'SP 2 Delivery and Distribution of New Housing

The delivery of at least 3000 (net) new homes will be managed over the period 2012-2027. The sources of new housing that will contribute to the supply of new homes across the District are as follows:

Malton and Norton · Housing Land Allocations in and adjacent to the built up area

· Conversion and redevelopment of Previously Developed Land and Buildings within Development Limits

· Replacement Dwellings

· Sub-Division of existing Dwellings

· Infill Development (small open sites in an otherwise continually built up frontage)

· 100% Rural Exception Sites outside of and on the edge of Development Limits in line with SP3.

· Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate

Pickering, Kirkbymoorside,

Helmsley, Service Villages

· As above...'

(Our emphasis)

- 5.2.5 and at paragraph 4.34 under the heading Type and Mix of New Housing the plan states:-

'4.34 The provision of an appropriate mix and choice of new housing is central to the objective of creating sustainable and balanced communities. The District will need to ensure a range and choice of market housing is provided to respond to changing demographics and market drivers.'

(Our emphasis)

- 5.2.6 and policy SP4 follows:-

'SP 4 Type and mix of new housing

Increased housing choice and high quality housing will be provided through :

· New housing development

· The re-use of empty properties

· Improvements and adaptations to existing homes

New housing sites in Ryedale will provide increased housing choice and contribute to the provision of a balanced housing stock.'

(Our emphasis)

- 5.2.7 The proposed site lies in the town of Norton which is identified as a Principle Town with Malton where a significant proportion of new development is to be located and the scheme proposed will provide an appropriate mix and choice of housing. We submit therefore that the proposal accords with policies SP1, SP2 and SP4 of The Ryedale Plan – Local Plan Strategy and advice in the NPPF.

5.3 Siting, Scale, Design and Effect Upon the Character of the Area and Conservation Area

- 5.3.1 Policy SP16 of The Ryedale Plan – Local Plan Strategy states:-

'Development proposals will be 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 usable by all, safe and easily navigated

· Protect amenity and promote well-being

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- Topography and landform that shape the form and structure of settlements in the landscape*
- The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale*
- 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*
- The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*
- Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
- The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail*

The design of new development will also be expected to:

- Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space*
- Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking*
- Reduce crime and the fear of crime through the careful design of buildings and spaces*
- Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces*
- Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context*
- Proposals for major development will be expected to include a statement identifying the waste implications of the development and measures taken to minimise and manage waste generated*

5.3.2 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

Character

New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses

The cumulative impact of new development on the character of an area will also be considered

Design

The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials

Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise. New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance. All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance'

- 5.3.3 We submit that the proposal that the proposal meets all the requirements of the above criteria and some weight should be attached to these policies as they are broadly consistent with the aims of the NPPF.
- 5.3.4 The NPPF 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.
- 5.3.5 Paragraphs 60, 61 and 65 of the NPPF make it clear that decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles, should address the connections between people and places and the integration of new development into the natural, built and historic environment and proposals should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.
- 5.3.6 The Design and Access Statement and associated drawings submitted with the application should be referred to here as it explains and justifies the scheme in design terms. We believe that the proposed scheme is considered not to have a detrimental adverse effect on the character and form of the area by virtue of its design, layout, scale, external appearance and landscaping. We submit that the proposed scheme therefore complies with and the policies of The Ryedale Plan – Local Plan Strategy and advice given in NPPF.
- 5.4 Impact on Heritage Assets
The application site is located within Norton Conservation Area. Whilst in considering proposals which affect conservation areas regard is to be made to S72 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 5.4.1 Policy C1 of the Ryedale Local Plan is also relevant and requires new development to be of a high standard of design and to respect and maintain the character and appearance of the Conservation Area. In support of the application a Heritage Statement within the Archaeological Desk Based Assessment by MAP has been submitted which outlines the heritage asset's significance as the proposed development being located within the Norton Conservation Area. The Heritage Statement is included in the Design and Access Statement by The Planning and Design Partnership and provides the details of how the Heritage Asset will be affected and justifies the proposed design.
- 5.4.2 We submit that the proposed scheme is justified and the proposal is considered to be acceptable in terms of scale, form, position, design, detailing and materials. The proposal is considered to have a negligible impact on the nearby Listed Buildings and Scheduled Ancient Monument and there will be negligible effect on the Norton-on-Derwent Conservation Area as the Proposed Development is located behind the street frontage on Commercial Street. We consider therefore

that the proposal is considered to accord with Policies H7 and C1 of the Ryedale Local Plan and the advice contained within the NPPF.

5.5 Flood Risk, Drainage and Climate Change

5.5.1 The NPPF paragraph 94 states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions; actively support energy efficiency improvements to existing buildings.

5.5.2 Policy SP17 (Managing Air Quality, Land and Water Resources) of The Ryedale Plan – Local Plan Strategy states:-

'Land resources will be protected and improved by:

· Supporting new uses for land which is contaminated or degraded where an appropriate scheme of remediation and restoration is agreed and in place

· Prioritising the use of previously developed land and protecting the best and most versatile agricultural land from irreversible loss. New land allocations will be planned to avoid and minimise the loss of the Best and Most Versatile Agricultural Land. Proposals for major development coming forward on sites that are not allocated for development which would result in the loss of the Best and Most Versatile Agricultural Land will be resisted 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

Flood risk will be managed by:

· Requiring the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic Flood Risk Assessment. In addition, major development proposals within areas highlighted as having critical drainage problems in the North East Yorkshire Strategic Flood Risk Assessment (or future updates) as Critical Drainage Areas may, if appropriate, be required to demonstrate that the development will not exacerbate existing problems by modelling impact on the wider drainage system

· Ensuring new development does not prevent access to water courses for the maintenance of flood defences

· Undertaking a risk based sequential approach to the allocation of land for new development and in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding, whilst taking account of the need to regenerate vacant and previously developed sites within the towns. In considering development proposals or the allocation of land, full account will be taken of the flood risk vulnerability of proposed uses and the national 'Exception Test' will be applied if required'

5.6.3 The application site is located in Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map for Malton and Norton which is at a medium and high probability of flooding and as such as such a Flood Risk Assessment, Sequential and Exception Tests has been prepared in accordance with NPPF to accompany the planning application. This confirms that this site is suitable for residential use with an acceptable flood risk.

5.6.4 We understand that there is adequate capacity in both the foul and surface water sewers in the area and that an adequate water supply is also available. The development will be connected to the mains sewer with surface water directed to a soakaway and/or attenuated to agricultural flows before discharge from the site.

5.6.5 We submit therefore that the site can be developed with an acceptable risk of flooding and can be satisfactorily drained and is therefore considered acceptable and in accordance with Policy SP17 of the Ryedale Plan and the guidance in NPPF.

5.6 Impact on Highways

5.6.1 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

'Access, Parking and Servicing

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads'

5.6.2 These Local Plan policies should be afforded weight as they are broadly consistent with the aims of the NPPF.

5.6.3 In addition with respect to parking, paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high emission vehicles.

5.6.4 Norton is considered to be a settlement which is capable of accommodating additional residential growth and as such it is considered to be a sustainable location with access to a range of services and facilities. The dwellings would be served from the existing access on to Commercial Street which is acceptable in highway terms by Stephen Boyne of North Yorkshire Highways. Adequate parking provision has also been provided for within the site.

5.6.6 The site is also close to the town centre where options for access and travel other than by means of private car are available to occupiers of the dwellings as well as their visitors.

5.6.7 We submit that the proposal is will not adversely impact on the highway network either from an access or parking standpoint and therefore consider that the proposal is acceptable as it accords with policies SP20 of The Ryedale Local Plan- The Local Plan Strategy and Paragraph 39 of the NPPF.

5.7 Impact on the Residential Amenity of the Adjoining Neighbours

5.7.1 One of the core planning principles set out in Paragraph 12 of the NPPF states that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.

5.7.2 Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan Strategy states:-

....'Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence'

5.7.3 Suitable standoff distances are achieved in respect of all the dwellings with no overlooking issues. The proposed development is therefore considered not to cause a significant detrimental impact

on the residential amenities of the neighbouring properties in accordance with Policy SP20 (Generic Development Management Issues) of The Ryedale Plan – Local Plan and the NPPF.

5.8 Noise from Adjacent Uses

5.8.1 A full acoustic report has been prepared by Dragonfly Acoustics Ltd and is submitted with the planning application. This shows that there are no unacceptable noise issues which would affect the proposed scheme providing minimal mitigation measures are employed such as acoustic glazing within the most vulnerable units.

5.9 Affordable Housing

5.9.1 Policy SP3 (Affordable Housing) of The Ryedale Plan – Local Plan Strategy states:-

'Where local need exists, the Local Planning Authority will seek the provision of new affordable homes by:

- Negotiating with developers and landowners to secure a proportion of new housing development to be provided as affordable units*
- Supporting Registered Social Landlords in bringing forward wholly affordable schemes within Ryedale's towns and villages*
- Supporting in principle, the release of 'Rural Exception Sites'*

Affordable homes will also be provided in conjunction with landlords through the purchase and repair of existing dwellings, alterations and improvements to the existing affordable housing stock and through the re-use of empty homes.

Affordable Housing from Developer Contributions

The Local Planning Authority will seek the provision of:

35% of new dwellings as affordable housing on-site (in settlements outside West and South West Ryedale) as part of developments of 5 dwellings or 0.2 ha or more and 35% of new dwellings as affordable housing on-site with a further additional financial contribution equivalent to a further 5% of provision as part of developments of 5 dwellings or 0.2ha or more in West and South West Ryedale* (including Ampleforth, Helmsley**, Hovingham and Sheriff Hutton)*

Where the on-site contribution does not equate precisely to whole numbers of units, equivalent financial contributions will be sought.

Below the threshold of 5 dwellings/0.2 ha, a pro-rated financial contribution will be sought from all new residential development, where this is viable.

(Our emphasis)

5.9.2 Whilst the application is in outline form the indicative scheme submitted with the application can accommodate some 62No dwellings and as such there is a requirement for 22No dwellings (35%). However, the scheme proposed includes only 17 open market properties, thereby providing 45 affordable units, which equates to an affordable housing provision of some 73%.

5.9.3 We find support for the affordable house type provision in the North Yorkshire Strategic Market Housing Assessment which states:-

'Future Need for Affordable Housing

1.36 If North Yorkshire were to meet the needs of all households who cannot afford to buy or privately rent a home on the open market⁴ it would have to deliver 2,808 affordable dwellings (excluding Selby) each year over the next 5 years. This is shown in the table below.

Figure 10: Net Annual Affordable Housing Need (Next 5 Years) – North Yorkshire

Net Annual Affordable Housing Need – North Yorkshire & Local Authorities

*Craven Hambleton Harrogate Richmondshire Ryedale Scarborough City of York Nth Yorkshire
(Total)*

218 320 507 260 256 457 790 2,808

Source: North Yorkshire SHMA, 2011

1.37 In particular, there is currently a shortfall in smaller 1 and 2 bedroom and larger 4 or more bedroom affordable properties across North Yorkshire. The shortage of these property types is making it harder for the authorities of North Yorkshire to meet the housing needs of households who cannot afford to buy or privately rent a home on the open market.'

(Our emphasis)

5.9.4 We therefore submit that the proposed affordable housing proposed within the scheme will meet the requirements of Policy SP3 of The Ryedale Plan – Local Plan Strategy.

5.10 Public Open Space

5.10.1 Policy SP11 (Community Facilities and Services Provision) of the Ryedale Plan states:-

'Proposals for the provision of new community facilities or services will be supported in principle as follows:

Malton and Norton;

Pickering; Kirkbymoorside;

Helmsley

Sites allocated for such uses or as part of a mixed use allocation; expansion and improvement of existing facilities in and outside of Development Limits; provision of new facilities within development limits or outside of Development Limits where the facility is needed and cannot be located within Development Limits or as part of a mixed use allocation.

Service Villages and other villages

Expansion and improvements to existing facilities in or outside of Development Limits; provision of new facilities - within Development Limits, conversion of existing buildings outside of Development Limits or new provision outside of Development Limits where the facility is needed to serve the local area and could not be provided with Development Limits

New or enhanced provision of open space, leisure and recreational facilities will address identified deficiencies set out in Table 3 and be undertaken in line with Local Open Space Standards as set out in Table 4. All new residential development will be expected to contribute to the provision of open space, recreation and leisure facilities. Residential schemes of 15 dwellings or more will be required to include on-site provision of informal amenity space unless it is considered impractical or unfeasible and an off-site contribution is more appropriate. On-site formal children's playspace will be sought on residential sites of 50 dwellings or more.'*

** Excludes replacement dwellings, residential extensions and annexes and temporary dwellings.*

(Our emphasis)

5.10.2 Apart from an area of Informal Amenity Space front of the main block of the development and a Communal amenity area to the rear of the properties on Commercial Street (see Landscape drawing CSN L1 by PDP Landscape and Urban Design), no public open space will be provided as part of the proposal as it would be impractical and unfeasible to make such a provision. As such and in accordance with Policy SP11 as set out above, a suitable Off Site Commuted sum will be agreed in lieu of onsite provision.

5.11 Impact on Nature Conservation and Protected Species

5.11.1 NPPF paragraphs 109 to 125 relate to conserving and enhancing the natural environment and to impacts of development proposals on protected species planning policy and guidance which is provided by the NPPF and accompanying ODPM Circular 06/2005 "Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System" in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.

5.11.2 A full Ecology Survey including a bat survey submitted with the application, has been undertaken by MAB Ecology which shows that:-

'The main area of habitat to be affected by the development is an overgrown garden area on the west side of the site. Habitats and species in this area are common, widespread and of little botanical interest. No designated conservation sites will be affected. No evidence of bat roosting was found within the buildings to be demolished at the site. The construction of most of the buildings is unsuitable for roosting bats. However, an old sub-station at the northeast corner of the site has an enclosed loft area which has potential for roosting bats, so a summer emergence survey between June and August will be undertaken to determine whether it is a roost site. In addition a bat emergence survey will also be undertaken at a hollowed out tree at the northeast corner of the garden area. The scrub and trees at the site provide good nesting habitat for birds as such clearance of this area will be scheduled outside the breeding period, which runs from March to August inclusive.'

- 5.11.3 The site does not contain any trees of note and is not a protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. Subject to the results of the bat surveys referred to above, we consider that the proposed would not harm any acknowledged nature conservation interests and therefore would not be contrary to the advice contained within the NPPF.

5.12 Archaeology

- 5.12.1 Policy SP12 (Heritage) of the Ryedale plan states:-

'SP12 Heritage

Distinctive elements of Ryedale's historic environment will be conserved and where appropriate, enhanced. The potential of heritage assets to contribute towards the economy, tourism, education and community identity will be exploited including:

- The nationally significant prehistoric archaeological landscapes of the Yorkshire Wolds and the Vale of Pickering*
- The individual and distinctive character and appearance of Ryedale's Market Towns and villages*
- Large country houses and associated estates and estate villages, with Castle Howard being of international importance*
- The unique distribution of Saxon churches on the fringe of the Vale of Pickering and the North York Moors, including Kirkdale and Stonegrave Minsters*
- Victorian churches throughout the Yorkshire Wolds*
- Medieval features including relatively large numbers of deserted medieval villages, moated manorial sites and granges, such as Kirkham Priory and notable castle sites, including Sheriff Hutton and Bossall Hall, Pickering and Helmsley*
- The network of historic field systems across the District and in particular, the historic field patterns around Pickering and other settlements on the northern side of the Vale of Pickering*
- The Roman Derventio site at Malton*

To assist in protecting the District's historic assets and features, the Council will:

· Encourage the sensitive re-use and adaptation of historic buildings and will, where appropriate, support flexible solutions to the re-use of those historic buildings identified as at risk where this would remove a building from English Heritage's At Risk Register or local records of buildings at risk.

· Seek to ensure the sensitive expansion, growth and land use change in and around the Market Towns and villages, safeguarding elements of the historic character and value within their built up areas, including Visually Important Undeveloped Areas, as well as surrounding historic landscape character and setting of individual settlements*

· Consider ways in which planning obligations can be used in conjunction with the allocation of sites at the Service Villages in the Vale of Pickering to secure increased protection, management and/or understanding of archaeological assets

· Work with North Yorkshire County Highways, Town and Parish Councils to provide highway improvements and street furniture that are appropriate to the historic context of individual towns and villages

- *Work with partners and landowners to encourage sensitive land management in the Vale of Pickering and the Wolds*
- *Work with and support local estates to identify appropriate ways in which to manage their historic landscapes, features and buildings*
- *Support, in principle, the small scale extraction of local building stone that would enable the repair and restoration of high grade or recognised heritage assets and features*

(Our emphasis)

5.12.2 A full Desk Top Archaeological Survey has been prepared by MAP Archaeology Practice Ltd and submitted with the application which reports that the site may have archaeological deposits dating from the Roman and Medieval period within the boundary of the site. However the date, depth and extent of the deposits are not known. As such in order to further inform the archaeological curators of the presence, nature, condition, extent and date of any deposits of archaeological significance, it is recommended that further archaeological evaluation by means of archaeological trial trenching be undertaken prior to construction work commencing.

5.12.3 The requirements of the above findings will be the subject of appropriate trial trenching in due course to all to meet the requirements of Policy SP12 (Heritage) of the Ryedale Plan and NPPF.

5.13 Ground Conditions

5.13.1 Policy SP17 Managing Air Quality, Land and Water Resources of the Ryedale Plan states:-

'Land resources will be protected and improved by:

- *Supporting new uses for land which is contaminated or degraded where an appropriate scheme of remediation and restoration is agreed and in place....'*

5.13.2 A Desk Top Ground Survey has been prepared by Geoenvironmental Ltd and submitted with the application and this shows that there is unlikely to be any contamination which would prevent the development of the site providing suitable mitigation measures were employed where necessary. As such we submit that the proposal will meet the requirements of Policy SP 17 of the Ryedale Plan.

5.14 Trees

5.14.1 There were a number of self-sown tree and bushes in the western part of the site, but as none of the vegetation was considered to be of any value (see Tree Report by TMS Management submitted with the application), this area has now been cleared. A suitable proposed landscaping scheme has been submitted with the application and is shown on drawing CSN L1.

6. Other Material Considerations

6.1 The Malton and Norton River-Rail Corridor Study

6.1.1 The Malton and Norton River-Rail Corridor Study was completed in 2004 and was subsequently resolved by the Council that its recommendations would be a material planning consideration in assessing any applications that were submitted for this site. The Study recommended that this site and adjacent land be pursued for a mix of residential use and public and states that development of the site for residential use would also be acceptable and has public support.

6.1.2 Whilst the scheme only concerns the western part of the site referred to and therefore as such has no ownership interest in the land the east, the scheme does however allow for access to the eastern part to allow for its development as a car park.

6.1.3 We believe that in terms of design, the scheme meets the recommendations of the Study in that it considers the impact it will have on views to and from the conservation area, and the relationship it will have with the backs of neighbouring properties. It also allows for the proposed

buildings on this site to be arranged to best allow views of the conservation area from new properties.

- 6.1.4 In addition it meets the requirement that new buildings on this site should develop their size, height and form from the existing buildings surrounding the site and as such 3-4 storeys (including undercroft storeys) would be appropriate and that the materials used to create buildings should be in context with existing vernacular of the surrounding urban environment.
- 6.1.5 In respect of flooding the Study recommends that any residential development which takes place in any areas of the site should comprise multi storey properties and as such the use of undercroft parking and raised floor levels is considered necessary. The scheme has been designed in this way.

7. Conclusions

- 7.1 We submit that the proposed development would not have a detrimental effect flood risk, character appearance of the conservation area, drainage, form and character of the area or either the residential amenity of the occupants of neighbouring properties or highways safety. The proposed scheme therefore accord with the Policies of the Ryedale Plan and the advice contained within the NPPF.
- 7.1.4 We respectfully suggest that there are no valid planning reasons for a refusal of permission and that the application is acceptable in all respects.