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8 July 2015

Dear Mrs Smith

Land off Langton Road, Norton (Site A) (App Ref: 15/00099/MOUT)

As you are aware, the above application was validated by Ryedale District Council on 6th February 2015. To date we have sought to work with the Council to respond to any queries raised in a timely manner; to this effect details of a revised scheme were submitted to the Council on 29th May 2015 and a period of re-consultation followed.

Following the expiration of the additional 21 day consultation period, it is our understanding that you intend to report this application to Planning Committee on 21st July 2015. I would be grateful if you could confirm that this is indeed the case.

The table below sets out a summary of the statutory consultation responses received to date. It is these responses that the Council should have consideration of in carrying out the planning balance test as required by the NPPF.

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Consultee	Consultee comments	Gladman's commentary
Education (NYCC)	NYCC's original consultation response requested a contribution based on the submitted scheme for up to 8 dwellings. An updated response hasn't been received to reflect the reduction in the number of dwellings to 6	Gladman accept the principle of a contribution, however, this should reflect the reduction in the number of dwellings proposed. The impacts of the proposed development on education will therefore be fully mitigated. The existing and proposed primary school are within walking distance of the site, thereby encouraging sustainable modes of travel as required by para 29 of the NPPF. Increased number of pupils will help to secure the vitality and viability of existing education provision in Norton.
Highways (NYCC)	No objection. Proposed access arrangements are satisfactory with reference to visibility and capacity.	The proposals therefore accord with para 32 of the NPPF.
Environmental Health Officer – Air Quality	The EHO's consultation response is a joint response and considers Sites A and B as one. This makes it difficult to draw out the EHO's conclusions of likely impact on AQMA from Site A alone. The proposed development would result in increase in road traffic and therefore would give rise to additional emissions of NOx and PM emissions. If the proposals are approved air quality impact mitigation measures should be required as a condition of approval.	As you will note from our letter dated 8 th July 2015 in relation to Site B, Gladman are agreeable to making a proportionate contribution towards the implementation of a scheme to restrict the movement of HGVs through the AQMA. This scheme will assist in removing an element of HGV traffic through the AQMA ensuring that the additional 52 trips (Site A and B in total) from the development will not exacerbate the air quality and congestion problems.

Environment Agency	The proposed development falls outside of the scope of matters on which the EA wish to be consulted.	n/a
Yorkshire Water	Confirmation that there is sufficient capacity to accommodate additional foul drainage flows.	Foul drainage can be accommodated in existing system. Therefore no adverse impact on foul drainage system as a result of the proposed development.
RDC Heritage	<p>Objection.</p> <p>Of the opinion that the development site forms part of the wider agricultural setting of the Sutton Barn Grade II Listed Building.</p> <p>Concludes that whilst the proposed development will not directly affect the fabric of the Listed Building, the immediate designated setting will be retained, the site is distant from the Listed Building and the proposals include a significant landscape buffer, the proposals will result in less than substantial harm to the identified heritage assets.</p>	<p>Gladman's heritage consultants conclude that the proposed development will cause less than substantial harm to the setting of the identified heritage asset.</p> <p>Although weight must be given to any harm to the Asset's significance made by the proposed development, this level of harm remains minor and is clearly less than substantial.</p> <p>I draw the Council's attention to the Weedon appeal decision and the Inspector's consideration of heritage assets in that instance. Whilst not all of the points made in the Weedon example are relevant to this application, a number of them are and should be a material consideration when considering the weight to attribute to heritage harm in the determination of this application. A summary of the key points are set out below:</p> <ul style="list-style-type: none"> • There is extremely limited visibility of the majority of the barn from the application site. The barn, although being a building of reputed high status, has a south westerly aspect and as such faces away from the application site (para 19). • The special interest of the building lies in the survival of original fabric and features (although this has diminished with its conversion to domestic use), and its relationship with other buildings within the farmstead, Sutton Grange (the house) and the gardens, wooded/parkland landscape within which the group of buildings were located ie. the immediate setting. The CO's opinion is that "<i>This is not a vernacular structure and is clearly a building of status and presence.....Due to its large scale, subservient surrounding buildings and lack of a typical farm grouping, it is a relatively isolated structure and was clearly designed to form the focus of the</i>

		<p><i>building group. The statement made by its large size and relative isolation is magnified by the fact that it is constructed on a shallow terrace and has a commanding presence over the ground below to the south west. The sense of isolation and pre-eminence is compounded by its open rural setting to the east. The barn has recently had an approval for conversion into 5 No. dwellings, with 2 associated new build properties situated on the terrace to the south west below the barn and a converted joiners shop within the curtilage of the barn. The barn is considered to maintain its architectural and historic interest and the new build properties have been carefully designed and sited to respect the setting of the building'. If development within the curtilage of the listed building and on the very terrace over which it has a commanding presence causes no harm to the architectural and historic interest of the building and 'respects its setting', then development within its wider setting, outside its historic setting must surely do exactly the same. The 'open and rural setting to the east' merely describes the undeveloped nature of the fields. The experience when standing within either of the sites is far from rural (para 20).</i></p> <ul style="list-style-type: none">• To date no evidence has been provided to suggest that the barn was functionally linked specifically to the two fields proposed for development. Its position, orientation and outlook are inward looking to the farmstead and its aspect is in the opposite direction to the sites. The immediate setting of the perimeter of the historic gardens/woodland landscape is what contributes to the significance and special interest of the barn, but even this has been compromised by the recent new build. As the CO also states in the March 2015 consultation response, <i>"In my opinion the immediate setting of the barn can be summed up as having an enclosed private feel derived by the narrow tree lined drive, the large expanse of screening woodland belts and the outgrown hedges and boundary walls that create a sense of enclosure. It feels secluded and private much like it may have done on the 1850 map and, the</i>
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		<p><i>groupings of buildings and boundaries remain little changed excepting the small section of visible suburban intrusion to the north. In my opinion the recent planning approvals outlined above will retain this setting.</i>" It seems likely that a design intent was for it not to be seen from the two sites. As with the Weedon example, little of the barn can currently be seen from within the sites and most views are only of the upper floors and roof -- none of the architectural detail which indicates it was a building of high status is visible from the sites. Neither can you see or appreciate the other 'subserving' buildings within its curtilage from the two sites. Whilst it has group value with Sutton Grange, this is very difficult to appreciate from either of the sites.</p>
<p>North Yorkshire County Council - Archaeology</p>	<p>Requested trial trenching should be undertaken prior to the determination of the planning application.</p> <p>Further to receipt of trial trenching report, confirmed that there is no known archaeological constraint to the development on this site.</p>	<p>Gladman are willing to accept a condition requiring a scheme of archaeological mitigation in relation to potential archaeological assets on site.</p> <p>The above approach ensures that potential archaeological assets are identified and safeguarded as required by para 128 of the NPPF.</p>
<p>LVIA (AECOM on behalf of RDC)</p>	<p>Concludes that the proposed development would have a major significance on visual amenity from a limited number of viewpoints, would have a major significance on the landscape character of the site itself but would have limited non-significant effects from the wider landscape.</p>	<p>In summary, the AECOM report assesses the landscape with similar results to Gladman's consultants (FPCR), although the conclusions are different. AECOM suggest the value of the site and its content/surroundings to be of higher local significance than FPCR. FPCR make reference to the influences the existing urban edge has on the site, which is overlooked by AECOM. A higher local value is also attributed to the setting of Sutton Grange by AECOM however, this fails to take into consideration the mitigation measures proposed.</p> <p>Visual Effects</p> <p>AECOM identify and assess 6 viewpoints, which only comprise those viewpoints that allow views into the site. The majority of these viewpoints are from the site edge where</p>

you would expect to see into the site. FPCR assess the likely impact from 12 viewpoints which include a variety of close range and distant views to set the context of the studied area.

Only 3 of the viewpoints were assessed by both AECOM and FPCR, the comparable viewpoints and significance of visual effects, are listed below:

AECOM ref	AECOM assessment	FPCR ref	FPCR assessment
1	Minor	7	Negligible
2	Moderate	2	Moderate/Minor
3	Moderate	5	Major/Moderate

The others viewpoints used were taken from different locations and are not comparable.

The conclusions of the AECOM report state that the development would have major adverse effects to their identified viewpoints. However, it should be noted that the viewpoints are mainly located on the site boundary and it is accepted that those in the wider landscape would not be significant. This is a similar conclusion to FPCR.

The conclusions state that the development would have major adverse effect to the AECOM viewpoints. They are mainly located on the site boundary. Those in the wider landscape would not be significant. This is a similar conclusion to ours.

Landscape Character Effects

Both consultants agree that the effects on the local landscape character area is medium.

The Site

With regards to the landscape character of the site itself, it is important to note that the development of any greenfield site, the need for which is acknowledged by the Council, will have a detrimental impact on the landscape character of the site itself. As such, this factor should not in itself be a reason to refuse planning permission.

		<p>The landscape value of the site is where the two consultants differ. AECOM state that the site has high local significance and therefore has a high sensitivity to the type of change proposed. The FPCR report states that the site has a high to medium value and the effects would reduce to moderate/adverse post completion. The proposed landscaping would mature and the site would fit into the already existing urban edge context. The dwellings along Langton Road would aid this assimilation. It is FPCR's view that the site itself would benefit from the green infrastructure proposals which protect the historical/ cultural setting of Sutton Grange and protect Mill Beck and its associated landscape.</p> <p>Both reports reach very similar assessment results, but the conclusions vary as follows:</p> <table border="1" data-bbox="730 600 1353 761"> <thead> <tr> <th></th> <th>AECOM assessment</th> <th>FPCR assessment</th> </tr> </thead> <tbody> <tr> <td>Landscape value</td> <td>High</td> <td>High/Medium</td> </tr> <tr> <td>Size/scale</td> <td>High/Medium</td> <td>High</td> </tr> <tr> <td>Significance</td> <td>Major</td> <td>Major/Moderate (effect lessens at 10yrs following maturing of landscaping)</td> </tr> </tbody> </table> <p>To understand how the AECOM conclusions were made, FPCR have reviewed each of the factors which help in the identification of valued landscapes (This is set out in box 5.1 of GLVIA3).</p> <p>The overarching landscape context includes that the landscape is not designated, it has no recognised nature conservation value and is relatively small in scale. An area to the south of the site is the 'Yorkshire Wolds – Area of High Landscape Value' – this is beyond a field to the south of Site B and beyond Bazeleys Lane. Sutton Grange is a Listed Building which is adjacent to Site A's north western edge.</p>		AECOM assessment	FPCR assessment	Landscape value	High	High/Medium	Size/scale	High/Medium	High	Significance	Major	Major/Moderate (effect lessens at 10yrs following maturing of landscaping)
	AECOM assessment	FPCR assessment												
Landscape value	High	High/Medium												
Size/scale	High/Medium	High												
Significance	Major	Major/Moderate (effect lessens at 10yrs following maturing of landscaping)												

		<p>The AECOM report sets out the following factors when making its assessments of the value to be attributed to the landscape in question;</p> <p>Landscape Quality/Condition</p> <p>AECOM state that the current agricultural management, leave the sites in good condition with a distinctive local character. It states that Mill Beck creates presence of tree cover and Sutton Grange gives times depth. It states these features are not degraded and therefore the site has high value.</p> <p>The FPCR report agrees the sites have high/medium value. The sites themselves are intensively farmed, the ecology report states this provides negligible nature conservation value. The arboricultural assessment states the majority of trees on site are in no condition greater than moderate.</p> <p>Scenic Quality</p> <p>AECOM state that Site A is 'heavily enclosed' which contributes to the scenic quality of Norton. It states that the location and shape of Mill Brook creates a localised area of scenic quality experienced from Langton Road and Bazeleys Lane.</p> <p>The FPCR report agrees the sites are enclosed by mature existing vegetation, which along with the localised topography aid the containment of the site. The existing vegetation provides good visual separation to the sites and their surroundings. The existing vegetation screen most views into the site from the surrounding roads.</p> <p>Rarity</p> <p>AECOM state that the landscape elements themselves are not rare, but the configuration of them is rare, locally.</p> <p>The FPCR report states that the existing landscape features within the site would be retained, the loss within the site would be restricted to the agricultural land use within the</p>
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		<p>centre of the sites. The same agricultural land use is also found within the surrounding landscape. It gives reference to the context, close proximity and influences that the urban edge of Norton have on the site. Locally it may be a rare landscape, but it is not accessible and the views across it are limited.</p> <p>Representiveness</p> <p>AECOM state that this pasture land is unlike the character, land form and land use in comparison with its local context.</p> <p>The FPCR report agrees that the landscape of the sites are unlike the majority/ wider areas of the local and national LCA. It also makes reference to the context and influences from the urban edge of Norton which the AECOM report omits.</p> <p>Conservation Interest</p> <p>AECOM state that the setting of Sutton Barn gives the sites high conservation interest and significance.</p> <p>The FPCR report states the mitigation proposals would contribute to protecting the setting of the listed/ historical buildings.</p> <p>Recreation Value</p> <p>AECOM state the sites have no recreational value, although footpaths and bridleways along the adjacent roads are well used.</p> <p>The FPCR report states that part of the proposals, the recreational value would be increased.</p> <p>Perceptual Aspects</p> <p>AECOM state that the small scale enclosure of Site A is linked with the 'landscape time depth' associated with Sutton Grange which is experienced by the footpath and</p>
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		<p>bridleway users of Langton Road. It states the wooded edge of both sites provide a link between urban and rural.</p> <p>The FPCR report agrees the site's mature landscape is of value in terms of cultural/ historical setting, nature conservation and visual enclosure. With the exception of the agricultural field, the existing landscape features will be retained as part of the development.</p> <p>Associations</p> <p>None have been identified.</p> <p>Conclusions</p> <p>It is a combination of these factors which determine the site's landscape value in both reports. In summary, the AECOM assessment states the sites are of HIGH landscape value due to the land use not being representative of the surrounding local area, time depth (its irregular shape and it forming the setting to Sutton Barn), its scenic quality (the landscape features not being typical of the local area, or rare to the local area and with the sites being the junction between urban and rural).</p> <p>Within the conclusion text, AECOM consider the landscape effects of the site are major with no decreasing factors. They state that the site has high local importance with high sensitivity due to the transition between urban and rural areas, with rare local features including historical/ cultural features.</p> <p>FPCR report states that the site is influenced by the existing urban edge and is well contained by the existing roads and rolling topography to the south. The urban edge and current intensive agricultural management of the site detract from its value. The landscape features of high value, such as the tree belt along Mill Beck and mature trees, are retained within the development proposals and their future maintenance secured.</p>
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		<p>The FPCR report considers the urban influences, the visual containment and the mitigation measures proposed as part of the scheme.</p> <p>Both reports agree the local landscape is assessed to have minor effects.</p> <p>It is important to note that neither LVIA concludes that the landscape is "valued" in NPPF terms (paragraph 109).</p> <p>(*It should be noted that the LVIA makes reference to other sites in Norton that it states could result in less landscape and visual impact if they were to be developed. There is no sequential requirement set out in planning policy and as such the merits or otherwise of alternative sites should not be considered in the LVIA. Any commentary to this effect should not be taken into consideration in the planning balance.*)</p>
Ryedale District Council - Tree & Landscape Officer	No Objection subject to condition.	<p>Gladman accept the proposed condition.</p> <p>The additional planting proposed as part of the development, will assist in conserving and enhancing biodiversity on site.</p>
Ryedale District Council - Housing Services	<p>No objection.</p> <p>Confirms that Norton (East and West) has a current net annual affordable housing need of 98 over the next five years.</p>	<p>It is widely acknowledged that the provision of affordable housing is a planning gain. The RLPS does not require the provision of affordable housing on sites of less than 10 units. However, Gladman are still proposing the provision of 35% affordable housing, in order to help address an existing need in Norton.</p> <p>Numerous Inspectors have confirmed that significant weight should be attributed to the provision of affordable housing in the planning balance. The Inspector for appeal ref: 2223975, stated that <i>"the need for both market and affordable housing carried substantial weight in favour of the proposals"</i>.</p>

		In considering the Kirkbymoorside appeal (ref: 2217803), the Inspector states that the provision of affordable housing contributes towards social sustainability as required by the NPPF.
Natural England	The proposals, if undertaken in strict accordance with details submitted, is not likely to have a significant effect in interest features for which River Derwent SAC has been classified.	It has been demonstrated that the proposed development will not have a likely significant impact on European designated habitats. The proposals therefore meet the requirements of para 118 of the NPPF.

Strategic Planning Context

The NPPF is clear that the purpose of planning is to help achieve sustainable development and that sustainable development is about positive growth; making economic, environmental and social progress for this and future generations.

A presumption in favour of sustainable development is set out at Paragraph 14 of the NPPF, which should be the basis for every Plan and every decision, unless material considerations indicate otherwise.

Paragraph 14 of the NPPF states that for decision taking where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the NPPF indicate development should be restricted.

It is Gladman's view that whilst the Council have an adopted Core Strategy that sets out a general direction for growth over the Plan period, the Plan is currently absent on exactly where development should be located. As there is an element of the Plan that is absent, the presumption in favour of sustainable development applies to this application.

Local Plan Strategy Policy SP1, states that Malton and Norton is the Principle Town and the primary focus for growth in Ryedale over the Plan period. As such, the acceptability of the principle of additional residential development on a site immediately adjacent to the existing settlement boundary of Norton should not be disputed.

Five Year Housing Land Supply

The Council have recently published an update to their Five Year Housing Land Supply, dated May 2015, which claims a 5.92 year supply. Gladman do not intend to interrogate this supply, or indeed the Objectively Assessed Housing Need used by the Council, at this stage. Should this application be appealed, we reserve the right to produce evidence.

Notwithstanding the above, I draw your attention to a recent decision appeal decision in relation to a site in Weedon Bec, Northamptonshire (appeal ref: 2228921). In consideration of the appeal, the Inspector states that the numbers set out in the Local Plan "... are not intended to be a maximum and the aim of policy in NPPF 47 is to boost significantly the supply of housing. It follows that just because the Council can meet its targets does not mean that more housing should necessarily be refused". He goes on to state that "*the scheme would help the Council achieve what it recognises to be a challenging trajectory*".

Sustainability Accreditation

The table below sets out the benefits and harm associated with the proposed development, informed by the consultation responses received. Reference to appeal decisions where Inspectors have considered the issue of weight to be given to the identified benefits/harm are also included where appropriate:

Benefit	Gladman Commentary
Provision of Market Housing	<ul style="list-style-type: none"> • Social benefit • c. £70,000 investment in local infrastructure and facilities through New Homes Bonus receipts. • Council Tax payments of c. £90,000 over 10 years. • There are currently 20 local people seeking employment in construction. • Economic benefit • c. 8 full time equivalent construction jobs over a one year period. • c. £1m construction spend. <p>As the Council has a 5 year supply of houses, <i>moderate weight</i> should be given to the benefits of market housing (Weedon, para 57).</p>
Provision of Affordable Housing	<ul style="list-style-type: none"> • Social benefit • Delivery of up to 35% affordable housing on-site will widen opportunities for home ownership. • The provision of affordable housing should be afforded substantial weight regardless of the housing land supply position, especially given evidence of an existing local need (Weedon, para 57). • The delivery of affordable housing can be secured through the S106 agreement.
Improved biodiversity on-site	<ul style="list-style-type: none"> • Environmental benefit • Provision of new formal areas of public open space; • Enhancement of the existing green infrastructure and biodiversity enhancements through the retention and bolstering of existing boundary vegetation and new landscape planting;
Provision of publically accessible open space and a children's play area	<ul style="list-style-type: none"> • Social benefit • The development provides a significant amount of public open space (POS). It is important to note that this land is not currently accessible by the public. As such, the on-site provision of POS increases the amount of POS available to existing residents. In addition, for some residents this site will represent a more accessible area of recreational greenspace than currently exists.

	<ul style="list-style-type: none"> • Access to recreational greenspace will help to improve the health wellbeing of the existing community as encouraged by para 17 of the NPPF.
Increased population	<ul style="list-style-type: none"> • Social benefit • New residents would support some or all of the social functions and activities in the Town. • Economic Benefit • Up to 8 extra economically active residents • The increase in the Town's population would support existing business, with a total gross expenditure of c. £214,000 per annum.
Job creation	<ul style="list-style-type: none"> • Economic benefit • There would be a number of jobs created during the construction period, including tradesmen and professional services. • Once operational, additional jobs would invariably be created by demand for services associated with the new dwellings including tradesmen, cleaning staff and childcare assistants.
Harm	Gladman Commentary
Heritage	<p>It is agreed between the parties that the proposed development will result in less than substantial harm to the setting of the Grade II listed Sutton Barn. However, Gladman assert that this harm is minor and clearly less than substantial.</p> <p>Para 134 of the NPPF is clear that "<i>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</i>".</p> <p>The information submitted with this application, and summarised in this letter, demonstrates that there are numerous public benefits associated with the proposed development that should weigh in favour of planning permission being granted.</p>
Landscape	<p>The site does not lie within a designated or protected landscape. It is a greenfield site on the edge of an existing Town.</p> <p>It is accepted that the change from agricultural fields to residential development would harm the landscape character of the site itself and cause some harm to the rural character and appearance of the immediate area, particularly during construction. However, in the longer term, the proposed landscaping will assist in softening the visual impact of the development. This impact is inevitable for all greenfield development.</p>

	<p>Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by (among other matters) protecting and enhancing valued landscapes.</p> <p>I refer to the decision in <i>Stroud DC v SSCLG and Gladman Developments</i>¹, where it was concluded that whilst the appeal site in question represented countryside that was clearly valued by local people, it did not contain particular physical attributes that would 'take it out of the ordinary'.</p> <p>Indeed, with regards to this application, other than pointing to the site's pleasant sense of openness and the presence of limited views across the site, no specific attributes or landscape features have been identified by the Council that provide evidence of the site being considered as valued in the terms of the Framework.</p> <p>The identified landscape harm is therefore not sufficient in scale to amount to significant and demonstrable harm and should not outweigh the numerous benefits of the proposed development.</p>
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The Planning Balance

It is Gladman's view whilst the Council have an adopted Core Strategy that sets out a general direction for growth over the Plan period, the Plan is currently absent on exactly where development should be located. As there is an element of the Plan that is absent, the presumption in favour of sustainable development applies to this application. Even if the Council are of the view that the weighted presumption in favour of sustainable development (NPPF 14) does not apply, the application should still be determined on the normal planning balance.

The site would be located in an area identified as the primary focus for growth in Ryedale and that would be well connected to Norton and Malton Town Centres with many local services and facilities easily accessible. The identified harm, identified by both the Council and the applicant, is limited to Landscape/Visual and Heritage. None of the harm identified would significantly and demonstrably outweigh the identified benefits of the proposed development including the provision of more housing and much needed affordable housing in particular. Subject to control, through conditions and the use of a s106 Agreement, and having regard to all other matters raised, there is no reason why planning permission should not be granted.

The Council should also take into consideration the approach of Gladman and their track record in delivering houses within the 5 year period (evidence of the delivery of Gladman sites is appended to this letter). In using promotion agreements, and selling sites to house builders at full market value upon consent, Gladman sites deliver houses at a much faster rate than some alternative arrangements. Timing should therefore not prevent the scheme being implemented within 5 years. By comparison, the sites yet to come forward in the emerging

¹ [2015] EWHC 488 (Admin)

allocations Plan, might be subject to substantial delays. The Inspector at Weedon considered this issue in the 'Benefits' section of their report (para 59).

Thank you once again for your continued efforts in progressing this application. Please do not hesitate to contact me or my colleague Dave Hough if you wish to discuss anything in more detail. We look forward to your response in respect of the above matters.

Yours sincerely



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Project Planner

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