



REVISED DOCUMENT

Fitzwilliam Malton Estates

Planning Statement Addendum

Report

May 2015

Planning Statement Addendum



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1. Introduction

- 1.1 This Planning Statement Addendum has been prepared and submitted by WYG on behalf of Fitzwilliam Malton Estate. It accompanies the amended Environmental Statement (ES) provided to support an outline application for the demolition of outbuildings associated with an existing veterinary surgery and erection of a mixed use, residential led development for a maximum of 500 residential units (including retirement home), employment (B1), community (D1/D2) and retail (A1/A3 and A4) uses, structural planting and landscaping, informal public open space, children's play areas and surface water attenuation (site area 21.75 ha).
- 1.2 The site is a greenfield site, located adjacent to an existing residential development on Castle Howard Road, within the A64 boundary at Malton. The proposed development is located to the west of Malton adjacent to the existing development limits as defined by the Ryedale District Local Plan Proposals Plan (2002). It is well connected to the existing settlement of Malton with the secondary school located to the north of the site, residential development to the east and the A64 bounding the site to the west. Access to shops and services available in Malton are less than 1.6km away along with the bus and railway station which provide routes York and Scarborough and beyond.
- 1.3 The development will form a natural extension to the existing urban form of Malton. This is supported by Policy SP3 of Ryedale's LPS which acknowledges the requirement to release land for housing identifying land located to the west of Malton, within the boundary of the A64 as potentially suitable. Further, the site has been included as a Category 1 site with the Council's Strategic Housing Land Assessment and has been identified in the Special Qualities Study of Ryedale's Market Towns (ref: MNH1) as suitable for housing. Therefore, the proposed is sustainable development. Taken together, this constitutes a presumption in favour of residential development of the site. Any consideration of the developments impact on the surrounding landscape character must take this presumption in favour into account
- 1.4 This Planning Statement Addendum supersedes the previous addendum issued in November 2014. It is issued along with a package of new and amended information including:



1. Environmental Statement (amended) incorporating a detailed Planting Plan relating to the Structural Planting to be provided at Phase 1 (Phase 1 Planting 1-3 ref: MPO3) and detailed Landscape Management Plan.
 2. Design and Access Statement (amended).
 3. Indicative Landscape Approach / Block Layout (ref: MP02).
 4. Indicative sections including landscaping (ref: MP02).
 5. Phasing Plan (ref: PH01 rev C).
 6. Indicative Building Typologies (ref: 137-8).
 7. Independent Design Review of the proposed.
 8. Viability Assessment.
- 1.5 This package of information has been submitted to address concerns raised by Ryedale District Council, the AONB Manager and Natural England (**Appendix A**) in response to the proposed development and superseded ES (November 2014). It follows agreement to deal with the planning application as an outline with all matters reserved.
- 1.6 The Phasing Plan provides a clear understanding of how the development will be delivered over the 15 year build period. It links directly to the LVIA assessment (Appendix 6 of the ES), detailed Planting Plan relating to the Structural Planting to be provided at Phase 1 (Phase 1 Planting 1-3 ref: MPO3) and detailed Landscape Management Plan. It is also linked to the viability assessment and wider delivery of the scheme providing the basis against which to agree an extended life planning permission.
- 1.7 The Indicative Landscape Approach / Block Layout, Indicative Sections and Indicative Building Typologies (ref: 137-8) provide further context as to the design approach demonstrating the high quality of the proposed.
- 1.8 The viability assessment is submitted in line with NPPF and Local Plan Policy to support discussions with the Council regarding the planning obligations sought in relation to the development. These include: contributions towards off site highway improvements, financial contributions towards



primary and secondary education provision and affordable housing. The overall package also includes the offer by the applicant of land for a school, over and above the policy requirements. The outturn of the viability assessment will be finalised through discussions with Council officers, and the figure now proposed by the applicant, taking into account the viability assessment, is confirmed at Section 3 of this report.

- 1.9 This addendum to the planning statement demonstrates how the development complies with the requirements of the National Planning Policy Framework (NPPF), Local Plan Policy SP13 (**Appendix B**) and facilitates the delivery of the objectives of the Howardian Hills AONB Management Plan. It also seeks to demonstrate how the impact of the proposed can be balanced against a number of key benefits.

2. Environmental Impact

- 2.1 The amended Design and Access Statement provides a more detailed explanation of the proposed development whilst the amended ES and accompanying plans provides an accurate assessment of the potential Landscape and Visual Impact on the environment with specific reference to the neighbouring Howardian Hills AONB which is a sensitive landscape as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 2.2 The Howardian Hills AONB Management Plan 2014-2019, produced by the Howardian AONB Partnership, provides clarity as to what the specific special qualities of the area are:

"The Howardian Hills have a strong unity of visual character, not least because they are physically separated from the surrounding countryside, but also because there are a number of common characteristics which bind the landscape together. The strongest of these is the dominance of woodland, which seems to form a green web across the whole area. The open sweeping views from the ridge tops and the quiet intimacy of the enclosed valleys are experiences which constantly recur whilst travelling through the area. The sheer complexity of the land cover, with its rich patchwork of crops, pastures, woods, trees and hedgerows is another consistent quality across most of the area."

- 2.3 The ES provides a comprehensive assessment of the impact of the proposed development on the AONB taking full account of the natural beauty and special qualities of this area.



- 2.4 The ES also considered the impact of the proposed on the wider landscape character surrounding the site including the Yorkshire Wolds.
- 2.5 The applicant has agreed to the withdrawal of the indicative masterplan, however the design approach (i.e. New Urbanism) remains the applicants preferred option for the development of the site as detailed in the Design and Access Statement (amended).
- 2.6 An independent review of the proposed design has been undertaken by Stefan Kruczkowski who co-authored Building for Life 12 – the industry standard for well-designed homes and neighbourhoods, endorsed by the government. This endorses the design approach taken both as being of exceptional quality and in full compliance with design guidance and policies as contained in the NPPF and Planning Policy Guidance (PPG).

Impact on the AONB

- 2.7 The landscape of the AONB itself would remain unchanged by the development proposals, being located outside of the AONB. However, in their Screening Opinion the Council identified that:

"it is considered that the proposal is likely to result in a significant effect in terms of landscape character and visual impact and is in a sensitive location adjacent to the Howardian Hills AONB and is located within the setting of the AONB".

Landscape Character and Visual Impact

- 2.8 There are limited views of the AONB from the site and, importantly from other areas within Malton looking westwards across the site towards the AONB. Similarly the impact of the development on the AONB when viewed from within its boundaries is also limited as views of the site are few and experienced only as glimpses through gaps in the existing hedgelines and woodland. This limits the impact of the development on the wider landscape setting of the AONB and surrounding landscape character areas.
- 2.9 The site is most visible from one location on the boundary of the AONB, viewpoint 10, where the whole of the western boundary of the development site can be seen through a gap in the existing trees. Concerns regarding the impact from this viewpoint were reiterated by the AONB manager in his letter dated 4th March 2015 (**Appendix A**). The winter photographs show that from this viewpoint the existing western edge of Malton is already visible. The overall significance of the



impact on the AONB landscape as a whole is mitigated by the nature of the viewpoint and receptor. It is located on a footpath where there are no seating areas or specific points of interest, therefore receptors are transient and less sensitive. The view is glimpsed, the existing western edge of Malton is already visible and the footpath is located on the AONB boundary (the AONB lying to the west and the development to the east as receptors move north / south along the path). Nevertheless, the impact of this view on the AONB is adverse and high as defined in the ES. The impact reduces to moderate as the extensive mitigation planting implemented at year 0 matures.

- 2.10 In terms of viewpoints from further within the AONB the most sensitive is viewpoint 7, from where the site is partly visible and remains so after year 15, when the mitigation landscaping is fully established. The impact on this viewpoint is reduced by the distance of this view, the proposed mitigation (including structural planting implemented at year 0) and the high quality design of the development and materials proposed.
- 2.11 Overall, whilst there is undoubtedly a visual impact resulting from the development as proposed, the significance of this impact on the AONB as a whole is reduced by the small number, and peripheral nature, of viewpoints.
- 2.12 The presence of urban form, in the location proposed – looking towards Malton, is not to be unexpected. The A64 is audible with high sided vehicles clearly visible, there are significant 33Kv pylons and wirescape crossing many of the views and the western edge of Malton is clearly visible from many of the viewpoints identified. The site will form a natural extension and a clear boundary to the existing town of Malton providing an opportunity to define this edge with a high quality and holistic design approach, incorporating mitigation planting which will introduce elements of the characteristics of the AONB (woodland).
- 2.13 It should also be noted that there are other locations within the AONB where the urban form of the town (including the far more discordant York Road Industrial Estate) is highly visible.

Impact on the Setting of the AONB

- 2.14 The Council stated in their Screening Opinion that the application site and triangular strip of land adjacent to it, forms part of the setting of the AONB. The "setting" of the AONB has no particular protection as a designation in its own right. Whilst paragraphs 115 and 116 of the NPPF give great weight to the conservation of the landscape and scenic beauty of the AONB and set restrictions on



development within it, there is no reference to their application to land within its setting. However, the National Planning Practice Guidance (PPG) notes that the statutory duty to have regards to the purposes of the AONB should apply also to the consideration of the impact of development on land outside its boundaries which might affect the setting.

2.15 The Local Plan Strategy (Policy SP13) also refers to setting but does not provide any guidance as to what areas of the surrounding landscape form the setting of the AONB, nor does it provide any key characteristics by which to identify landscapes which form part of the setting of the AONB.

2.16 The Howardian Hills AONB Management Plan provides a definition of setting in the Glossary stating setting is:

"The surroundings in which a valued area, site, building or feature is experienced. Its extent is not fixed and may change as the assets and its surroundings evolve".

2.17 This definition clearly links setting to the ability to experience the AONB. Whilst the site is undoubtedly within close physical proximity of the AONB and the surrounding footpaths and roads are used to access the AONB, it is not highly visible from the AONB, nor are there significant views across the site into the AONB. This is because the topography of the area and existing wooded landscaping both around the site and along the AONB boundary limit views. In fact, the very nature of the special characteristics of the AONB, which includes rolling hills and green webs of woodland, provides natural screening. This is reflected in the ES Visual Survey and the number and location of views agreed with the Council and AONB Manager which are limited and largely located outside of the AONB or on its boundary.

2.18 This is, however, just one definition of setting and it is arguably appropriate to also consider if the site has features in common with the AONB to further assess its role within the setting of the AONB.

2.19 The AONB Management Plan is clear in its definition of the Special Qualities of the AONB that the unusual landform of the AONB separates it from its surroundings stating:

"The Howardian Hills have a strong unity of visual character, not least because they are physically separated from the surrounding countryside"



- 2.20 This suggests that the boundary of the AONB is defined by a clear change in landscape character. Nevertheless, it can be said that the site shares some physical characteristics with the AONB being arable fields with mature hedgerows and trees along its boundary. This view is supported by the AONB Manager in his letter dated 30th July (**Appendix C**) which states:

"The current western boundary of the built-up area of Malton is characterised by mature trees and only occasionally visible buildings. Even with the 33kv pylons and wirescape, Malton and the AONB appear to blend reasonably seamlessly into each other in a relatively contiguous landscape. As such therefore the application site has a broadly similar landscape character to the eastern end of the AONB"

- 2.21 The winter photographs show a different picture with the majority of existing residential properties located along the eastern edge of the site being clearly visible from the viewpoints assessed, particularly viewpoints 7 and 10. The proposed mitigation landscaping (a deep tree belt along the western edge of the site extending between 30-50m) not only provides substantial mitigation of the proposed but also defines the edge of Malton through introducing a woodland element, a key characteristic of the AONB appropriate to its role as forming part of the setting of the AONB.
- 2.22 In terms of the wider impact on the setting, the site is located between two routes which access the AONB i.e. Castle Howard Road (vehicular highway) and Middlecave Road (footpath access), the latter being a well-used public footpath providing a direct link between Malton and the AONB footpath network.
- 2.23 Users of these routes will be impacted on by the proposed development, particularly those accessing along Middlecave Road where the vehicular highway ends at the existing veterinary surgery and the footpath begins. At this location the existing landscape character of the route changes from urban to a more rural landscape with mature hedgerows enclosing the route on both sides. The potential impact on this character and the setting of this route into the AONB was identified early in the ES process resulting in the development being pulled back from Middlecave Road at this point and the removal of the employment block proposed at the north western corner of the site. This enables the retention of the existing mature hedgerows and rural character of this end of Middlecave Road reducing the impact of the proposed on this route to glimpsed views.
- 2.24 Views of the site from the AONB and vice versa are limited. Nevertheless, there are points along this footpath as it travels east / west accessing the AONB and for a short distance into the AONB,



along the adjoining footpath running north / south along the AONB boundary and along Castle Howard Road travelling towards Malton where the site or the AONB is visible. These views are limited in number and the impact is mitigated by how these views are experienced i.e. glimpses through the existing and proposed woodland as one moves along the footpath. The peace and tranquillity of these routes are already affected by the presence and noise of the A64 (with high sided vehicles clearly visible) and the scale of the 33Kv pylons and wirescape.

- 2.25 This supports the findings of the ES which identifies a moderate adverse impact on the landscape and visual character of the AONB (including its setting) resulting from the development, reducing to a minor residual impact as the proposed mitigation measures, being largely landscaping, mature and the development settles into its wider setting.

Impact on Tranquillity

- 2.26 During the construction phase there will be an impact on this tranquillity, however, this is mitigated by distance and limited to construction working hours. Once operational, the proposed will have no impact on the tranquillity of the AONB.
- 2.27 In fact the proposed landscaping to the southern and western boundaries of the site will offer an arguably improved route into the AONB from Castle Howard Road, through the extensive woodland area, accessing the footpaths off Middlecave Road and avoiding vehicular traffic. This will have a positive impact on the tranquillity and setting of the AONB at the operational stage of the development. New paths and pedestrian routes through the proposed development and substantial planting proposed to the western and southern boundaries will both extend the wooded nature of the AONB into Malton as well as improve pedestrian access from the town into the Howardian Hills beyond.

Taller Elements

- 2.28 A key concern raised by the Council has been the impact of the taller elements of the scheme, particularly on views from the AONB. The revised photomontages are accurate as per the methodology set out on page 2 of the LVIA (Appendix 6 of the ES). They demonstrate the impact of the taller elements on the AONB is minimal insofar as they introduce small vertical elements that punctuate above the proposed mitigation planting but are largely screened at year 15.



- 2.29 As stated, it is not unexpected to see development when looking towards Malton from the AONB, in fact the high quality design and materials proposed (as set out in the amended DAS) ensure the towers have the potential to provide points of interest rather than detracting from the setting of the AONB.
- 2.30 The design approach being taken by the applicant is fully compliant with Building for Life 12 – the industry standard for well-designed homes and neighbourhoods, endorsed by the government. This design approach taken has been independently assessed as being of exceptional quality and in full compliance with design guidance and policies as contained in the NPPF and NPPG.
- 2.31 It must also be reiterated that the number and location of views, being limited and largely glimpsed views along the AONB boundary is itself a mitigating factor reducing the overall impact of the proposed on the AONB.

Traffic Impact

- 2.32 This is dealt with under a separate addendum to the Transport Assessment which demonstrates no significant impact.

Landscape Character

- 2.33 In considering landscape character Policy SP13 requires development proposals to contribute to the protection and enhancement of distinctive elements of landscape character including: the distribution and form of settlements and buildings in their landscape setting, the character of individual settlements, including building styles and materials, the pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses) and visually sensitive skylines, hill and valley sides.
- 2.34 The amended DAS accompanying the planning application provides a detailed assessment of the existing form and distribution of the settlement of Malton within its landscape and demonstrates how the design of the proposed will reflect the traditional character of the town and its buildings. This is confirmed by the independent review of the proposed.
- 2.35 The development will form a natural extension to the existing urban form of Malton. This is supported by Policy SP3 of Ryedale's LPS which acknowledges the requirement to release land for



housing identifying land located to the west of Malton, within the boundary of the A64 as potentially suitable. Further, the site has been included as a Category 1 site with the Council's Strategic Housing Land Assessment and has been identified in the Special Qualities Study of Ryedale's Market Towns (ref: MNH1) as suitable for housing. Taken together, this constitutes a presumption in favour of residential development of the site. Any consideration of the developments impact on the surrounding landscape character must take this presumption in favour into account.

2.36 The proposed development will result in the loss of agricultural land and the removal of some existing field boundaries and hedgerows within the site. However, the extensive landscaping proposed including the retention of mature trees and hedgerows along the boundary of the site, the provision of a significant belt of native species planting along the western and southern boundaries and the proposed village green, running the full length of the site to the east of the development, will provide a number of positive impacts on landscape character including:

- Creating and reinforcing the woodland character along the boundary of the site with the A64;
- Improving the appearance of the A64 corridor;
- Restoring and protecting hedgerows at the northern boundary of the site;
- Screening the proposed development;
- Softening the appearance of the existing wirescape and pylons;
- Improved biodiversity through the choice of planting and provision of a wetland habitat on site;
- Improving pedestrian access from Malton to the AONB beyond.

2.37 These are all objectives of the many landscape character assessments reviewed as part of the LVIA process.

2.38 The proposed development does not impact on any sensitive skylines, hills or valley sides being located on a generally flat site in an area where the surrounding topography is relatively flat.



3. Conclusion

- 3.1 As set out in the ES the residual impact of the proposed development on the landscape and character AONB is **minor**.
- 3.2 The site is not highly visible either from within the AONB or from the wider surrounding area / landscape. Nor are there prominent views of the surrounding countryside and National Character Areas which would be affected by the proposed development. There will be no lasting impact on the wider landscape setting of the AONB as whole or surrounding landscape character areas.
- 3.3 The loss of agricultural land and internal hedgerows has a minimal impact and is consistent with emerging land allocation policy, the Councils SHLAA and the character assessment of Ryedale's Market Towns.
- 3.4 The extensive mitigation measures proposed ensure additional screening and will be implemented at the start of the development to allow significant time for this to establish. It also provides a number of key additional benefits including:
- Enhanced biodiversity through the retention, reinforcement and creation of new habitats;
 - The provision of a wetland / pond providing habitat and recreation;
 - Increased permeability across the site and improved access to the wider footpath network in the AONB; and
 - The retention, reinforcement and creation of extensive woodland along the western and southern boundaries of the site.
- 3.5 It is therefore considered that the proposals do not detract from the natural beauty and special qualities of the AONB or its setting as required by Policy SP13.
- 3.6 This extensive mitigation, along with the package of contributions requested by Ryedale Council to meet current policy requirements has been considered in the viability assessment submitted as part of this revised package of information. National Planning Policy states that to ensure viability, the costs of any requirements likely to be applied to development should provide competitive returns to



a willing landowner and willing developer to enable the development to be deliverable (i.e. viable). Local Plan Policy SP3 requires 35% affordable housing but acknowledges the need to negotiate schemes having regard to the circumstances of individual sites and scheme viability.

3.7 The overall package of contributions is currently proposed at £2.68m, plus the transfer of land for a school and 10% affordable housing. This would make a substantial contribution to planning requirements in relation to Primary Education £1,699,500, Secondary Education £933,478 and off site highway improvements totalling £154,500. It is anticipated that these figures will form the subject of negotiation with the Local Planning Authority. This negotiation may lead to changes in this overall package, and it is anticipated that the report to Planning Committee on the application will provide an update on the proposed planning obligations package.

3.8 The wider benefits of the proposed residential development, as set out in the supporting documentation provided with the application, are significant often exceeding policy requirements in other areas. These include:

- The high quality design of the proposed houses and the increased choice and availability of residential properties will attract new residents to the area, as well as meeting existing demand for new homes from local people.
- The proposed will deliver up to 500 new homes, including affordable units, helping to ensure continuity of supply.
- Opportunities for self-build through the provision of a number of self-build plots.
- The village square includes a range of uses with the potential for a new doctor's surgery, subject to the NHS having a requirement.
- A significant financial contribution towards education provision and a site for a primary school.
- Significant areas of new, publicly accessible open space across the site, including children's play space and allotments.
- Jobs will be created both during construction and beyond as a result of the proposed development and the increase in population in the area, supporting local businesses.



- The development will incorporate sustainable building practices and green technologies where possible.
- Highway improvements including a new junction at York Road and Castle Howard Road, improvements to Castle Howard Road and Middlecave Road and increased access to bus services in the area.
- Investment in green travel incentives to encourage new residents to utilise alternative methods of travel.

3.9 The proposed is a sustainable development which will deliver a number of benefits to the local area; therefore, the proposed should be approved in line with paragraph 14 of the NPPF.



APPENDIX A

Howardian Hills

Area of Outstanding Natural Beauty

The Mews, Wath Court
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A joint partnership funded by Defra, North Yorkshire County Council (Host Authority), Ryedale District Council and Hambleton District Council; also involving Ryedale and Hambleton Parish Councils, Natural England, Country Land and Business Association, National Farmers Union, Ramblers and Forestry Commission

Development Management
Ryedale District Council
Ryedale House
Malton
North Yorks
YO17 7HH

Contact: Paul Jackson

My Reference:

Date: 4 March 2015

Dear Sirs

14/00678/MOUT: Outline application for the demolition of outbuildings and erection of mixed use residential-led development; Castle Howard Road, Malton

In response to the letter submitted by GVA, dated 13th February, I have the following observations to make:

- I apologise if my comments have caused offence to anyone, but I'm afraid that many years of dealing with sub-standard or apparently 'selective' documents have made me somewhat cynical. It should also be borne in mind that I scrutinised the photomontages in the context of the erroneous first draft of Viewpoint 7 which was presented to Ryedale DC in September 2014. As I pointed out, this had translocated the development to a different site over half a kilometre away, in a field west of the A64 and north of the Middlecave Road footpath. This was a fundamental error that had clearly been missed during the preparation and checking stage, which of course meant that I was bound to examine any subsequent work very carefully in order to test its veracity and plausibility. In relation specifically to Viewpoint 7, I stand by my original comments that, using the known fixed points on the base plan, I believe that the orientation tower ought to be further to the north in the photomontage than is currently shown.
- Upon re-reading paragraph 2.18 of the Planning Statement Addendum I see now that the context relates only to the Middlecave Road footpath in so far as it extends to The Plantations at the edge of the AONB. I had interpreted it as continuing on towards Viewpoint 7, and hence into the AONB, which is what it actually does on the ground. In the context of the footpath stopping at the 'crossroads' at the edge of the AONB then my statement indeed becomes incorrect.
- I'm afraid that the rebuttal of my observation about a skyline of housing units of more than 2 storeys being visible from Viewpoint 10 misses the point that I was making. Whilst the *numerical* majority of the proposed units may indeed be two storeys or less, the *distribution* of units of more than 2 storeys across the *whole* development site means that there are very few east/west 'transects' that do not have a unit of higher than 2 storeys somewhere on their length. This creates the visual effect of a nearly continuous skyline of buildings higher than 2 storeys.

Cont'd...

As somewhat of an aside, but nonetheless important in a debate about accuracy, I noticed in the course of re-examining my previous hypotheses that the 2 storey employment block in the very south west tip of the site appears to have been missed off the photomontage. Due to the separation distance from the remainder of the development this would appear from Viewpoint 10 as an isolated building sky-lined on its own.

- The apparent differences in interpretation about the location of the orientation feature in the photomontage from Viewpoint 7 and the skyline of 2 storeys or more as seen from Viewpoint 10 could I feel be resolved by discussion at a meeting. I note however that further LVIA work is planned and it may be more appropriate to wait until this has been finished. On the other hand, any further work needs to progress from a mutually agreed consensus and it might seem sensible to resolve the points of contention before any further photomontages are prepared?

Yours sincerely

P B JACKSON
AONB MANAGER

Date: 20 January 2015
Our ref: 139337
Your ref: 14/00678/MOUT



Jill Thompson
Ryedale District Council
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BY EMAIL ONLY

T 0300 060 3900

Dear Jill

Planning consultation: Additional information: Outline application for the demolition of outbuildings and erection of mixed use residential-led development

Location: Castle Howard Road, Malton

Thank you for your consultation on the above dated 05 December 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Landscape advice - Howardian Hills AONB - Objection

Natural England has assessed this application and has identified a likely significant impact on the purposes of designation of the Howardian Hills AONB. We therefore object to this development. The photomontages for Viewpoints 7 and 10 demonstrate a significant adverse impact on views from the AONB, even after 10 years' growth of landscape planting, both with and without the towers. There will therefore be a significant impact on landscape character in the setting of the AONB, with the view towards Malton becoming dominated by the urban edge, and the landscape planting itself also foreshortening the view from the AONB.

Whilst we consider that the LVIA has been carried out to a satisfactory methodology in accordance with the Guidelines for Landscape and Visual Impact Assessment¹, there are a number of locations both along Broughton Lane (between viewpoints 7 and 9), and on the footpath running between Broughton Lane and Middleclave Road (between viewpoints 4 and 7 on Plan 7 of the LVIA), where views of the site can be obtained from within the AONB but which have not been included in the assessment. Views from the latter would appear to be particularly significant as footpath users heading east would be directly facing the site. Viewpoint 9 also does not appear to have been included in the plates; the photograph labelled viewpoint 9 in Plate 6 appears to be taken from the corner of Braygate Street and Swinton Lane (marked as Viewpoint 8).

We do not agree with the arguments made in the ES Addendum that receptors at Viewpoint 10 are less sensitive, either due to the location on a footpath, or because the view itself does not include the AONB. The view will be experienced intermittently through gaps in the trees when using the footpath running along the AONB boundary, with a number of larger gaps of which Viewpoint 10 is one example. This view of the AONB setting would be changed from a largely rural landscape to one

¹ Guidelines for Landscape and Visual Impact Assessment, 3rd Edition. Landscape Institute / Institute for Environmental Management & Assessment, 2013.

dominated by urban edge. We do not agree with the conclusion that the overall significance of the impact on the AONB will reduce to minor after 3 to 5 years. The LVIA and the ES Addendum also fail to recognise that the impact of the built form will be more apparent during winter, when the trees are not in leaf.

We note that the application is currently at outline stage. Whilst we welcome the proposal to provide publicly accessible open space on the site, we advise that further mitigation measures are put in place as part of the site masterplan in order to reduce the adverse impact on views from the AONB. This may include reducing the height of the buildings to be more in keeping with the existing character of the setting of the AONB, and to enable them to be more easily screened by landscape planting.

As previously advised, we are satisfied that sufficient information has now been submitted to demonstrate that the proposal is not likely to have a significant effect on the River Derwent Special Area of Conservation, either alone or in combination with other plans and projects.

We would be happy to comment further should the need arise but if in the meantime you have any queries, please contact James Walsh on 0300 060 1832. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours sincerely

James Walsh
Yorkshire & Northern Lincolnshire Team



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Jill Thompson
Ext: 327
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5 January 2015

Dear Mrs Andrew

Planning Application Ref: 14/00678/MOUTE

Thank you for the Environmental Statement, Planning Statement addendum and the new Landscape and Visual Impact Assessment that you have provided as part of the above application. I will take the opportunity in this letter to provide you with my initial response to this work as well as to outline the implications for the way forward as I see them and finally, to take stock of outstanding information now that the Council has received the ES and is in a position to resume consideration of the application.

Environmental Statement and LVIA

I have two concerns about the ES and LVIA. I do not share the conclusions that the overall impact of the development amounts to a minor adverse effect. Although the LVIA contains a limited suite of photomontages, the development of the site would result in a significant adverse visual impact from at least one viewpoint - the photomontage from viewpoint 10 is a good example. I appreciate that the ES recognises the visual impact of the development from this viewpoint but I do not share the conclusion that this results in an overall moderate impact. Clearly this is a matter of judgment but it is important that you are aware that I do not share all of the conclusions of this work.

Secondly, I have some concerns about the methodology used for the LVIA. Some of the documentation provided indicates that RDC and the AONB officer agreed the methodology used. This is correct but only insofar as viewpoints were agreed. The methodology used to draw conclusions on the significance of the visual impact is not something either myself or the AONB officer have previously endorsed. Indeed, I have to say that I am struggling to understand how the conclusions of the overall significance of impact have been made. This is not clear in the LVIA or ES. Your client is aware that the LPA is seeking an independent view on this work which we expect to receive in mid-January. Once this is received I will forward it to you in order for you to provide a response.

It is my informal opinion that the development as illustrated in the DAS and indicative plan is not acceptable to this authority. The visual impact of the illustrative scheme in this sensitive location is not acceptable and I am of the view that the mitigation measures suggested in the ES are insufficiently holistic to mitigate the visual impact of the scheme and to reduce harm to the visual amenity of users of the Rights of Way into and within the AONB. I am also concerned that the suggested scale and proportions of the buildings in



and around the 'village centre' which appear to be of town centre scale proportions does not reflect the site's context and its relationship between its surroundings and the existing townscape.

The contributory factors to these concerns are the suggested scale and height of buildings and structures and the layout and orientation of buildings. Consequently, I cannot support:

- The indicative layout plan
- The storey height parameters included within the indicative layout plan which range as high as 5 storeys
- Some of the principles included within the DAS

The District Council is a positive and proactive planning authority. However, in determining an application for EIA development, the Authority must be confident that all mitigation measures have been or are capable of being employed to avoid or mitigate any harm which arises as a result of a scheme before it then proceeds to balance the planning benefits of a proposal and determines whether it considers development to be acceptable in principle. I am confident that the impact of development on the site is capable of being mitigated through measures which include a phased landscaping scheme, a significant reduction in the height of taller elements of the scheme and through the location and orientation of development on the site.

I am mindful that your clients application is in outline and that your client is keen for it to remain in outline. I have previously indicated that if building height parameters could be agreed so as to mitigate their visual impact then this represents a potential way forward. I would add (following receipt of photomontage of viewpoint 10) that this would also demand revision to the indicative layout plan to help to mitigate the visual impact associated with the scheme from the west. It is however, clear from the recently submitted information that this is not something that your client believes to be necessary. I would urge you to reconsider this as a way forward.

Alternatively, the only remaining way in which I can respond positively and proactively to your clients application in outline will be to advise the Planning Committee of my concerns and to recommend that they consider the application purely as a 'red line' outline scheme and on the basis of the description of the development applied for. If the committee resolve to approve the application on this basis, it is likely that this will be on the condition that it would not confer approval of any of the illustrative material. It is important that you are aware of this as this will have implications for any subsequent application for reserved matters and the timing of the submission of all layout, scale and landscaping details. Given that this presents a way forward and that the application material now recognises the fact that the site is clearly visible from the AONB and is EIA development, I can confirm that the Council will withdraw the Section 4(2) letter issued last July.

Outstanding Information and the draft Section 106 clauses

I would also like to take the opportunity of this letter to clarify the information which I believe to be currently outstanding and to provide you with some initial feedback on the draft Section 106 clauses which you have provided.



You indicated in September that your client intends to submit a viability assessment. I would be grateful if you could confirm when this is likely to be received. The Council will need to commission support to consider the viability assessment in detail and therefore an indication of when this information is likely to be submitted would be very helpful. I am mindful that the revised decision date for this application is 26 March 2015 and therefore it is important that this information is made available soon.

It is my understanding that revisions to the Transport Assessment will be finalised once outstanding information is considered by NYCC. I understand that progress has been made on this and that NYCC are now only awaiting information in terms of future years traffic analysis. I also understand that further detailed site access drawings and the proposed arrangements for the York Road junction have been submitted to NYCC for their consideration. I would be grateful if you could ensure that BGH provide me with a copy of these drawings so that I am able to keep track of progress on these matters. We have previously discussed that fact that revisions to the TA may have implications for the Air Quality report and we have discussed the need for a meeting with Environmental Health officers to discuss their comments in relation to noise and air quality matters.

I have previously sought clarification of the heights of buildings associated with each of the different story height parameters and used as a basis for the sketch up model in the LVIA. I apologise if this information is included in the supporting documentation and if I have overlooked it but I would like my report to Members to contain accurate information. If your client does not wish to confirm these details I would be grateful if you could confirm that the following is an accurate interpretation of the information provided.

Plan 3 of the latest LVIA provides information relating to maximum ridge heights across the different blocks. The LVIA also notes that the site generally sits on the 60 m contour. Using this information I have taken this information to mean that:

- the 5 story tower on the Middlecave Road side of the site is approximately 17 m in height
- In addition to the 30m orientation tower, the tower at the Castle Howard Road end of the site is approximately 27m in height.
- The maximum ridge height of buildings will be approximately 14m in Block D; 14.3m in Block F and 15.8m in Block J.

The text on Plan 3 is very difficult to read and I would appreciate it if you could confirm whether I have misread or misinterpreted any of this information. The Planning Statement addendum on the other hand makes reference to the towers terminating approximately 10m above the general roofscape. This would imply that the general roofscape is between 17-20m at ridge height, which appears to be different to the information/figures in the LVIA. Again it would be helpful if you could clarify this matter.

I have also previously sought reassurance that affordable housing contributions are capable of being delivered by Registered Providers. I have expressed some concern that Registered Providers may not wish to acquire properties if it is your client's intention to apply service charges and restrictive covenants across the site. You were going to confirm whether or not Registered Providers are interested in the scheme and I would be grateful if you could update me of the current position in this respect and the basis on which



discussions with RP's have progressed. You will appreciate that I do need to be confident that affordable housing contributions are capable of being delivered and I do need your written confirmation that there is interest from Registered Providers that are willing to take the affordable properties on if service charges and covenants are to be imposed.

I have also asked if you are able to confirm the agricultural land classification of the site. Our records show that it is Grade 3 but are not broken down further. It would be helpful if you could confirm the classification if this is information that your client holds.

The Planning Statement Addendum makes reference to the provision of land for a potential school. I am heartened that this reflects the discussions that we have had in relation to the contributions that are required to mitigate the impact of the proposal on primary education provision. However, I would be grateful if you could confirm the location and extent of this land and the basis on which your client is prepared to make this contribution. I will then be in a position to confirm whether this is in turn, acceptable to the education authority. I have made the point that the location of land for a new school could have implications for the access to the application site at Castle Howard Road – the proposed elongated roundabout. The position of the elongated roundabout and any Stage 1 safety audit will need to consider the need to ensure that access to the site can be successfully achieved in a way which ensures that safe access to a new school on foot and by car can be achieved in principle.

The level and type of open space provision on the site also requires confirmation. I do acknowledge the fact that you are confident that open space requirements can be easily achieved within the site and that supporting information indicates that the scheme would provide informal recreational greenspace, childrens playspace, allotment provision and a community hall. In terms of the Council's policy, the only open space typology that the site does not directly contribute to is formal sport provision.

I share your confidence that the scheme can meet on-site requirements for informal amenity greenspace (this will equate to approximately 1.50 ha using our standard). The supporting information refers to amounts of greenspace which include structural landscaped areas. Whilst these areas may be capable of some recreational use, including informal play and walking, the landscaped areas will not be suitable areas to provide level and open space for ball games etc. It would assist my understanding of the proposal if you could confirm the approximate size of the village greenspace as a separate figure from the structural landscaped areas. I am of the view that the village green space has the potential to provide a significant strategic amenity space. This is a significant benefit of the scheme although it is important that it is available for ball games and informal play as well as catering for passive recreational activity.

Additionally, the scheme would generate a requirement for a minimum activity zone area of approximately 0.36 ha of land to be made available for formal children's play in the form of a NEAP, LEAP and LAP's. I would be happy to discuss how formal play equipment may be best accommodated into the scheme as I am of the view that the site provides exciting potential to design sympathetic and creative children's play space.

Your client intends to make land available for a school which will include an area of playing field. If the community hall is capable of providing some form of indoor formal sport (carpet



bowls, badminton etc) and areas of the landscaping are designed to provide jogging or trim trail routes, this would ensure, in my informal opinion that the scheme does provide for formal recreational/ sport activity.

A strategy for the provision and use of open space on the site will be a condition of any approval of the scheme and I think that as well as confirming the level of provision, there is benefit in discussing how the open spaces may be used at this stage.

Please let me know if there is any further information which I have overlooked and which you believe to be outstanding.

Thank you for the draft Section 106 agreement. Clearly you will not be able to confirm the details of the quantum of most contributions until the viability assessment and the work on which it depends is complete. However, consideration of the draft S.106 clauses at this stage is helpful in identifying issues which may affect the deliverability of the contributions and the progress in completing the agreement should Members be minded to grant permission for the proposal. I have forwarded the draft Section 106 agreement to the Council's legal team and to colleagues in housing for their consideration and I will be in touch with you after Christmas. In the meantime, I have a number of initial comments which I would like to raise with you.

The Highway contribution clauses appear to refer to a traffic regulation order at a bridge. I think that these clauses may have been included inadvertently. Clauses will need to be inserted to secure financial contributions to Brambling Fields.

I have also noted that definitions of the Public Open Space in the draft Section 106 appear to restrict play equipment from being sited on Public Open Space. I have mentioned that I believe that the nature of the use and level of open space provision does need to be confirmed. Notwithstanding this, it is this Council's policy to ensure that formal and informal children's playspace is secured on sites of this size as part of open space provision. Information supporting the application indicates that this is what is proposed but the definition in the draft Section 106 appears to contradict this. I would be grateful if you could confirm if the definition has been drafted in error and that your client intends to ensure that formal play equipment is to be sited within the scheme.

I have also noticed that the open space clause makes reference to the preparation of a specification for the public use of the open space on the site. I would make the point that a specification for the public open space would be secured by way of a condition of any approval of the scheme rather than through the Section 106, notwithstanding this, it is important that I understand what this is intended to mean. I would appreciate it if you could make me aware of any restrictions your client intends to impose on the public use of these spaces. I should point out that the LPA will expect public open space on the site to be available for public use, including wider members of the community and not be restricted to residents of the scheme. Similarly, the LPA would not expect play or ball games to be restricted on public open space within the site.



The Section 106 agreement would need to include clauses relating to the transfer/timing of the transfer of land for educational purposes should planning permission be granted for the application. The education clauses also need to cover the financial contribution for secondary school provision.

Finally, the draft Section 106 includes a number of clauses which are intended to protect your client in the event that the Community Infrastructure Levy is introduced. Whilst I fully understand your client's position and concerns in relation to this matter, I am of the view that these clauses are not something that the Council can agree to. If the Section 106 agreement is completed prior to the introduction of CIL then the development will not be liable for CIL. I hope that this clarifies this point but if I have misunderstood the intent of these draft clauses, please let me know.

I would be grateful if you could share this letter with your client and provide me with the information and written clarification on the matters that I have raised. I think that it would be very helpful if we could then arrange to meet to discuss progress.

Yours Sincerely

Jthompson

Mrs Jill Thompson

Forward Planning Manager



APPENDIX B

Policy SP13 Landscapes

The quality, character and value of Ryedale's diverse landscapes will be protected and enhanced by:

Encouraging new development and land management practices which reinforces the distinctive elements of landscape character within the District's broad landscape character areas of:

- North York Moors and Cleveland Hills;
- Vale of Pickering
- Yorkshire Wolds
- Howardian Hills
- Vale of York

Protecting the special qualities, scenic and natural beauty of the Howardian Hills AONB, the setting of the AONB and the setting of the North Yorkshire Moors National Park.

Landscape Character

Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:

- The distribution and form of settlements and buildings in their landscape setting;
- The character of individual settlements, including building styles and materials;
- The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)
- Visually sensitive skylines, hill and valley sides



- The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure / exposure

The Council will work with landowners and statutory agencies to encourage land management practices that will protect and reinforce landscape character across the District and proposals which seek to restore areas of degraded landscape or individual landscape elements will be supported.

National Landscape Designations and Locally Valued Landscapes

The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced and the impact of proposals on the AONB, its setting or the setting of the North York Moors National Park will be carefully considered.

Proposals will be supported where they:

- Do not detract from the natural beauty and special qualities of these nationally protected landscapes or their settings;
- Seek to facilitate the delivery of the Howardian Hills AONB Management Plan Objectives;
- Are considered appropriate for the economic, social and environmental well-being of the area or are desirable to support the understanding and enjoyment of the area;

The District Council and Howardian Hills AONB Joint Advisory Committee will resist development proposals or land management practises that would have an adverse impact on the natural beauty and special qualities of the AONB unless it can be demonstrated that the benefits of the proposal clearly outweigh any adverse impact and the proposal cannot be located elsewhere in a less damaging location.

Major development proposals within the AONB that would result in a significant adverse impact on the natural beauty and special qualities of the AONB will be considered within the context provided by national policy and only allowed in exceptional circumstances.

Outside of those landscapes protected by national landscapes designations, the Council will carefully consider the impact of development proposals on the following broad areas of landscape which are valued locally:



- The Wolds Area of High Landscape Value
- The Fringe of the Moors Area of High Landscape Value
- The Vale of Pickering

The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities. As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield.

The Vale of Pickering, the Wolds and the Fringe of the Moors are of significant historic landscape value and loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change.



APPENDIX C

Howardian Hills

Area of Outstanding Natural Beauty

A joint partnership funded by Defra, North Yorkshire County Council (Host Authority), Ryedale District Council and Hambleton District Council; also involving Ryedale and Hambleton Parish Councils, Natural England, Country Land and Business Association, National Farmers Union, Ramblers and Forestry Commission

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JT
31.7.2014
TJC

RYEDALE DM

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Contact: Paul Jackson

My Reference:

Date: 30 July 2014

Dear Sirs

14/00678/MOUT: Outline application for the demolition of outbuildings and erection of mixed use residential-led development; Castle Howard Road, Malton

My previous letters were written for the express purpose of providing information in relation to a request for an EIA Screening Opinion. Although that Opinion has now been issued, I felt it would be useful to bring all my comments together so as to provide my formal observations on this application:

Landscape and Visual Impact Assessment

1. I feel that the impact of the A64 as a barrier between Malton and the AONB has been significantly over-stated throughout the document. It may look like a large barrier on the map, but in truth, on the ground, there is still a significant visual connection between Malton and the AONB, particularly at the northern end (Middlecave Road). This is principally because the A64 is in a large cutting for much of this section, with only HGVs visible above the boundary hedges for one short section.
2. This is significant because the current western boundary of the built-up area of Malton is characterised by mature trees and only occasionally visible buildings. Even with the 33KV pylons and wirescape, Malton and the AONB appear to blend reasonably seamlessly into each other in a relatively contiguous landscape. As such therefore the application site has a broadly similar landscape character to the eastern end of the AONB, and I don't feel that the importance of the application site to the setting of the AONB has been explored at all.
3. In a similar vein, the importance of the AONB for quiet recreation doesn't seem to have been taken into account. It takes less than 5 minutes to walk from the suburban area of Middlecave Road, into the Plantations and thence become immersed in the open countryside atmosphere of the AONB.
4. I consider Viewpoint 2 (as originally mapped in the first version of the LVIA) to be the critical one in relation to visual impact on the AONB.

Cont'd...

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HILLS
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AONB family

In order to be able to properly assess the potential impact on the AONB, it will be necessary for a ground level horizon visualisation of the development from Viewpoint 2 to be provided. It will be important to understand at what point in time the visualisation represents, in order to assess any impacts during the period before screening plantings reach maturity. Photos taken during a site visit to the original Viewpoint 2, and looked at in conjunction with the tree heights given in the Tree Survey, would seem to indicate that the taller elements of the proposed development will break the skyline when viewed from this location. The applicant should be asked to provide the visualisation before any determination of this application is made.

5. With regard to Viewpoint 3, whilst in general I agree with the assessment I feel that it overlooks the effect of seasonality on the screening provided by the belt of mature broadleaved trees. Whilst providing almost total screening during the summer months this will be reduced somewhat during winter months, and I would suggest that in winter the Magnitude of Change may in fact be Slight or even Medium, making the Overall Impact Significance at least Moderate.

Traffic

1. Residents accessing employment opportunities westwards along the B1257 are highly likely to use Braygate Street and Swinton Lane, as 'rat-running' drivers already do to avoid the Newbiggin/Pasture Lane traffic lights and Horsemarket Road. This would apply to residents working at sites such as Swinton Grange, Malton Foods, BATA, etc, as well as further afield in Kirkbymoorside, Helmsley and Thirsk.
2. I'm unable to estimate what proportion of residents would have employment sites to the north west, and hence use Braygate Street and Swinton Lane, but this would be adding to what might already be considered an 'unnaturally' high level of traffic on these routes through the AONB. I consider this to have a potentially moderate negative impact on the tranquillity of the AONB.

In conclusion, I'm sufficiently concerned about the lack of information provided in the LVIA (about the potential impact on the AONB and its setting) to feel that an Objection is warranted at this stage. Although the application is only in Outline, the design ethos for the site indicates a desire to have buildings of a substantial height and the LVIA simply doesn't provide enough information on the potential impact of these on the AONB and its setting.

Yours sincerely

P B JACKSON
AONB MANAGER