

**RYEDALE DISTRICT COUNCIL  
PLANNING COMMITTEE**

**SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE**

**PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING**

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**Item Number:** 4  
**Application No:** 14/00678/MOUTE  
**Parish:** Malton Town Council  
**Appn. Type:** Major Outline Environmental Statement  
**Applicant:** Fitzwilliam Malton Estate  
**Proposal:** Outline application for the demolition of outbuildings associated with the existing veterinary surgery and erection of a mixed use residential led development for a maximum of 500 residential units (including retirement home), Employment (B1a and c), Community (D1/D2) and Retail (A1/A3/A4) uses, Structural planting and landscaping, Informal public open space, Childrens play areas and Surface water attenuation  
**Location:** Land North Of Castle Howard Road Malton North Yorkshire

**Registration Date:** 4 December 2014  
**8/13 Wk Expiry Date:** 26 March 2015  
**Overall Expiry Date:** 5 November 2015  
**Case Officer:** Jill Thompson **Ext:** 327

**CONSULTATIONS:**

**Yorkshire Water** Recommend Conditions  
**Environment Agency** Recommend Conditions  
**Highways Agency** No objection  
**English Heritage** No comment  
**Natural England** Object  
**Howardian Hills Area of Outstanding Natural Beauty** Object  
**Vale of Pickering Internal Drainage Board** No comments  
**NYCC Public Rights of Way** Recommend Informative  
**NYCC Historic Environment Team** Support the recommendation in the trail trenching report that no further archaeological work is required  
**NYCC Children and Young People's Services** Comments received. Unable to support without adequate provision for additional school places and financial contributions sought  
**NYCC Highways and Transportation** Recommend Conditions and a range of financial contributions to be secured by a Section 106 Agreement  
**North Yorkshire Police Designing Out Crime Officer** Comments and observations on the development concept and advice on designing out crime  
**Malton Town Council** Recommend approval subject to and contingent upon a number of issues  
**RDC Countryside Officer** Comments regarding the need for mitigation for bats and swallows  
**RDC Building Conservation Officer** No objection  
**RDC Environmental Health Officer (Ground Conditions)** Recommend conditions  
**Environmental Health Officer (Noise)** Concerned over the extent to which noise standards can be achieved

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**PLANNING COMMITTEE**

**20 October 2015**

**Environmental Protection Officer (Air Quality)** Recommend conditions  
**RDC Housing Services** Strongly object to the level of affordable housing proposed. Comments relating to design, size, type, mix of housing and affordable housing transfer values  
**RDC Tree and Landscape Officer** Analysis of tree survey and identification of implications. Strongly object to the proposed removal of the lime tree (T8). Recommends re-design of the layout to avoid adverse effect on trees/ future occupiers

**Neighbour responses:**

Mr Stewart Frank, Mrs Hilary Bridgmount, Mr Christopher Barker, Mr Mark Sykes, Mr Christopher Paxton, Mrs Alma Sykes, Mr G.A. Rex, Samuel And Beryl Chestnutt, Colin And Diana Wealleans, Mr Barry Housden, Mrs Julie Hepworth, Mr Timothy Davies, Mr Stuart Jackson, Ms Ellen Colquhoun, Mr Graham Lake, Ms Hannah Yeung, Mr Paul Livingston, Mr Liam O'Brien, Mrs Anca Frank, Mrs Helen Keane, Miss Freya Ross, Mr Richard Keane, Mr Alan Walker, Mr Robert Rogers, James Ellis, John Paley, Mr Mark Weatherill, Mrs C Woodhouse, Mrs Sally Metcalfe, Mrs Katrina Huddie, Miss Freya Harrington, Mr Terry Herbert, Mrs Janet Sharp, Mr Andrew Nicholson, Mrs Sher Ross, Miss Kate Bosanquet And Mr Adrian Denney, Pamela Hudson Solicitor LLB, Mrs A Dean, Alexander Percy, R C Pickering, Jack & Eve Pirie, Mr Matthew Huddie, Mrs Ann Young, Rosemary Dummott, Councillor Paul Andrews, Mr Christopher Howarth, Mr Nicholas Thompson, Mrs Sheila Miller, Mrs Tanya Eyre, Dr Ian Abrahams, Mrs Alexandra Jeffries, Mr Peter Lodge, Mr Jason Donaldson, Mr Sean McClarron, Mr Richard Neal, Mrs Gill Wright, Mr Graham Lee, Mrs Margaret Dunbar, J.R. Holt, Rachel And Stuart Pirie, Janet Beal, Mrs Anne Hale, Mrs J Birch, Mr A J Cooke, Mr A Rushworth, Ms Pauline Powers, Mr Robert Gordon Murray, David Macdonald, Mrs Philippa Tumer, Mrs Ruth Harrington, Jacob Paley, Connie Paley, Rebecca Paley, John C Paley, Mrs M Paley, Mr Tim Maloney, Mr & Mrs J McConnell, Brian R Hale, Ms Joy Forbes, West Malton Residents' Group, Robert Kellock, Mr And Mrs Mcskeane, Mr John Dunstan, Mrs Karen Criddle, Mr Richard Coaker, Ms Anne-Margaret Hetheron, Mr M Knaggs, Mr John Morris, Dr Alan Suggett, B-R- Hull, Miss Sandra Pearce Mr Craig Rudd, Liz Garthwaite, Mr Matthew Harrington, Mr & Mrs Callaghan, Sue Redfern, Mrs Tracey Donaldson, Judith Chestnutt, Mr And Mrs Trevor & Anne Holtby, J.E. Loseby, Mr Stanley Bell, Mrs K Waller, Mr Lloyd Paley, Mr Brian White, Mr And Mrs Mark Rees, Selina Scott, Mr Ian Conlan, Mr Andrew Criddle, R. And G.A. Pollard, Mr Alastair Barron, Christine Roberts Holland, Mr Christopher Tumer, Mr Richard Pearson, Dr D R And Mrs M M Wilson, Mr Michael Lawless, Mr George Boyd, K Waller And M Hadfield, Mr David Metcalfe, Mrs Donna Chaplin, Mr Keith Howden, Dennis Knight, Mr David Asquith, Dr Michael Lynch, Mr Ian H Scothern, Mr David Barnet, Roy And Kay Ward, Mr Peter Lodge, Mr Ralph Lilley, Mr Simon Thackray, Rebecca Hudson, Mr John

**1.0 SITE:**

- 1.1 The site comprises 21.75 hectares of open fields on the western edge of Malton between the A64 and the existing built edge of the Town. It is bounded to the north by Middlecave Road and to the south by Castle Howard Road.
- 1.2 The site is surrounded by open countryside to the west which extends beyond the A64 and rises into the Howardian Hills. The residential area of Castle Howard Drive, Middlecave Road, Maiden Greve and the properties which align the private road to the property known as Uplands are located to the east of the site. Playing fields associated with Malton School are located beyond Middlecave Road to the north and beyond Castle Howard Road to the south, open farmland and allotments slope towards York Road.
- 1.3 The site occupies an elevated position relative to the Town as a whole. It is also elevated in relation to the A64, as the trunk road runs through a deep cutting as it by-passes Malton in this location.
- 1.4 The current use of the site is predominantly arable farmland. It is roughly triangular in shape and is comprised of four fields which are delineated for the most part by hedgerows and trees. These field boundaries traverse the site but also demarcate the outer boundaries of the site. A number of individual trees and several groups of trees, predominantly in the northern section of the site are the subject of Tree Preservation Orders. A veterinary practice occupies Middlecave House and adjoining paddocks/enclosures in the north-east corner of the site.
- 1.5 The south-west corner of the site is bisected by high voltage overhead power lines and one supporting pylon is located in this area of the site. Smaller overhead lines also traverse the site. A water main runs under and across the middle of the site in a north-west to south-easterly direction.
- 1.6 The Howardian Hills Area of Outstanding Natural Beauty (AONB) is situated to the west of the site and the A64. The AONB boundary is marked by the eastern edge of the long plantation which runs along Maiden Greve balk. In addition, the site lies immediately outside of the development limits for Malton which follow the rear boundaries of the properties which align the private road to the property known as Uplands and to the rear of properties along the western side of Castle Howard Drive.
- 1.7 There are no Public Rights of Way within the site. A Public Bridleway aligns the northern boundary of the site at the end of Middlecave Road and runs from Middlecave House (the existing Veterinary Surgery) across the footbridge over the A64 and into the countryside beyond until it becomes a footpath once inside the AONB.

**2.0 PLANNING HISTORY:**

- 2.1 83/00068/OLD (3/83/404/PA): Change of use, adaptation and extension of existing house and garages to form veterinary practice surgery accommodation and residential unit at Middlecave House - Approved 04.10.1983
- 2.2 96/00203/TELE (3/83/778/EA): Erection of 25m telecommunications tower and associated equipment housing - Refused 11.11.1996

- 2.3 96/00204/TELE (3/83/778A/FA): Erection of 25m telecommunications tower and associated equipment housing - Refused 5.11.1996
- 2.4 14/00224/PREAPP: Outline residential scheme - Land at Castle Howard Road, Malton
- 3.0 PROPOSAL:**
- 3.1 Outline permission is sought for the development of a maximum of 500 residential units including a retirement home, together with employment, community and retail uses, structural landscaping, public open space, children's play areas and surface water attenuation. Permission is also sought for the demolition of some of the outbuildings and structures associated with the veterinary surgery. (The applicant has confirmed that the outbuildings of traditional stone construction will be retained). All matters (Access, Appearance, Landscaping, Layout and Scale) are reserved. The applicant is seeking extended outline permission for a period of 10 years.
- 3.2 As well as technical information, the application is accompanied by:
- A revised Design and Access Statement (DAS)
  - A Planning Statement and Planning Statement Addendum
- 3.3 These documents include further information which has been provided for the purpose of considering the application and to articulate the applicant's ambitions for the site and vision for the scheme.
- 3.4 The DAS and to an extent, the Planning Statement confirm that it is the applicant's intention to create a new, well designed, high quality extension to Malton with a strong sense of place and identity and which is based on a model for growth which is different to that which Malton has traditionally experienced. The aim is to create a more sustainable form of development which will benefit residents of the development and the wider area.
- 3.5 Although the proposal is for a predominantly residential led scheme, a mix of uses is proposed. This includes some employment space which is compatible with residential use and a retirement home together with 'civic components' which include a shop, pub, village hall and shared public spaces including a village square, a village green and publicly accessible open space and landscaped areas. The material also indicates that is the applicant's intention that children's play facilities and allotments will be provided within the scheme. The proposal as described in the supporting documentation places a strong emphasis on the use of traditional architectural design with a layout and route network designed to benefit the pedestrian user. The DAS includes illustrations of a layout/masterplan for the site including access points on Middlecave Road and Castle Howard Road although it should be noted that these matters are not for determination at this stage.
- 3.6 The DAS and Planning Statement also confirm that it is the applicant's intention to provide a range of homes of different sizes, types and tenures with generous private garden space; that SUDS will be provided within the scheme and that the car parking provision will be provided in accordance with North Yorkshire County Council's standards.
- 3.7 More specifically, the DAS proposes a 30m - 50m wide woodland boundary along the western edge of the site designed to screen the development from open fields beyond the A64 and to screen future residents from the road and pylon corridor. The Planning Statement addendum also proposes that landscape buffer areas will be subject to a phased structural landscaping scheme.

- 3.8 The applicant has confirmed that the scheme as described in the DAS is their preferred option for the development of the site.
- 3.9 The Planning Statement proposes maximum floorspace thresholds for the non residential uses proposed as part of the application and these are considered in detail later in this report.
- 3.10 The Planning Statement and its addendum also highlight the benefits which the applicant is using to promote the scheme. A summary of the benefits included in the Planning Statement are:
- The provision of a choice of new housing not currently available in Malton
  - Provision of a supply of housing to meet a range of needs including affordable housing, retirement housing and 5% bungalows
  - New development with a strong sense of place
  - Highly accessible new development in a sustainable location
- 3.11 In addition, a summary of the benefits of the scheme which are cited in the Planning Statement Addendum includes:
- High quality design of houses and increased choice and availability of residential properties
  - Delivery of up to 500 new homes including affordable units, helping to ensure a continuity of supply
  - Opportunities for self-build through the provision of a number of self build plots
  - Village square with a range of uses with the potential for a new doctors surgery subject to NHS having a requirement
  - Significant financial contribution towards education provision and a site for a primary school
  - Significant areas of new publicly accessible open space including children's play space and allotments
  - Job creation during construction and beyond and an increased population supporting local business
  - Incorporation of sustainable building practices and green technologies where possible
  - Highway improvements and increased access to bus services in the area
  - Investment in green travel incentives
- 3.12 The Planning Statement concludes that it is the applicant's view that outline planning permission should be granted for the following reasons:
- Technical assessments submitted with the application identify no specific restrictions/a range of mitigation measures are proposed which can be formalised via pre-development conditions or legal obligation
  - It has been demonstrated that significant weight should be given to the NPPF and the Local Plan Strategy. The proposal complies with policy SP2. It will increase the choice of housing through the delivery of a high quality product not currently available, supporting increased opportunity for home ownership and creating a sustainable, inclusive and mixed community in accordance with the NPPF
  - The Council cannot demonstrate a clear five year supply of housing land. The provision of up to 500 homes will assist the Council in addressing its current identified shortfall in provision. This should be afforded significant weight.
  - The proposed development will provide 35% affordable housing in accordance with policy requirements\*

- The site is well located, adjacent to the Principle Town with good access to local services and sustainable modes of transport
- The submitted illustrative site masterplan demonstrates that the application site can accommodate the proposed quantum of development and that ultimately, at the reserved matters stage a high quality design can be achieved. Non developable areas and mitigation will ensure the retention and enhancement of ecological and environmental features\*

*\*Members should be aware that the above list is taken from the planning statement submitted with the application in June 2014 and there have been some changes to wider information supporting the application. The applicants are no longer offering to provide 35% affordable housing and the Indicative Masterplan has been withdrawn.*

- 3.13 The applicant is of the view that it is clear that the benefits arising from the scheme demonstrably outweigh any limited moderate impacts that would arise and that the presumption in favour of sustainable development in the NPPF and Local Plan Strategy carries significant weight in the overall planning assessment of the application. The Planning Statement Addendum concludes that the proposal is sustainable development which will deliver a number of benefits to the local area and that therefore it should be approved in line with ( paragraph 14) of the National Planning Policy Framework

Supporting technical information, Environmental Statement and Community Consultation Statement

- 3.14 The application is also supported by a suite of technical documents which include:

- Bat Survey Report
- Ecological Appraisal
- Drainage Strategy and Flood Risk Assessment
- Geo-Environmental Reports
- Archaeological Evaluation Report
- Noise Assessment
- Air Quality Assessment
- Arboricultural and Landscape Report
- Transport Assessment and a Framework Travel Plan
- Design and Access Statement Independent Audit. A 'Building for Life' Review
- Agricultural Land Classification Report
- Viability Assessment
- Landscape and Visual Impact Assessment (including indicative landscape masterplan; indicative landscape approach and phased landscape plan)
- Environmental Statement

- 3.14 The Environmental Statement has been prepared in response to a screening opinion issued by the Authority. This confirmed that the proposal was considered to be 'EIA' development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and likely to have a significant environmental effect, taking account the characteristics of the proposed development, potential impact and the location of the site in close proximity to the Howardian Hills Area of Outstanding Natural Beauty.

- 3.15 The applicant has not sought an EIA Scoping Opinion from the Local Planning Authority. The Environmental Statement submitted to assist consideration of the application is a single chapter Environmental Statement covering the landscape effects of the proposal.

- 3.16 In May/June 2015 the applicant submitted a significant amount of revised material and documentation. Officers have considered this material within the context of the EIA Regulations and are of the view that the revised material does not have implications for the screening opinion previously issued.
- 3.17 As well as technical material, the applicant has also provided copies of letters from three developers ( Places for People, McCarthy and Stone and Zero C) confirming their interest in developing the site.
- 3.18 The applicant has prepared a Community Consultation Statement (CCS) to document the pre-application consultation that was undertaken prior to the submission of the planning application. It confirms that the applicant had pre-application discussions with the District Council and meetings and discussions with statutory consultees. Pre-application consultation and engagement also included a Stakeholder Event in March 2014 for key stakeholders by invitation. This was closely followed by a public open day/consultation event which was held in Malton having being advertised in the local press and by notices displayed in Town.
- 3.19 The Community Consultation Statement summarises issues raised at these events. It includes a response by the applicant to some of the issues raised and confirms that in response, further survey work was commissioned to understand the impact of the scheme and that some amendments were made.
- 3.20 The CCS also committed the applicant to on-going consultation over the course of the application. Officers are aware that following initial formal consultation on the application once it was received, the applicant has had further discussions with stakeholders and held a further stakeholder consultation event in September 2014. The applicant has stated that this (at that time) led to confirmation of the developer contributions by the applicant and informed some changes to the specification of some technical requirements and details, including drainage and detailed highway works.
- 3.21 It is considered that the CCS meets the broad requirements of the Council's Statement of Community Involvement and that the work undertaken addresses national requirements for applicants to engage with local communities prior to submitting planning applications for major development proposals.

#### **4.0 APPLICATION CHRONOLOGY:**

- 4.1 The application was validated by the Authority on 18 June 2014 and was submitted following pre-application advice. It is appropriate that Members understand why it has taken over one year to come before the committee. A brief summary is outlined below:
- Consultation on the application began in June 2014 after the application was validated
  - On submission, the planning application was accompanied by a Screening request under the Town and Country Planning (Environmental Impact Assessment Regulations 2011). Following consideration of the request, a positive screening opinion was issued which confirmed that the Local Planning Authority considered the proposal to be EIA development and that an Environmental Statement (ES) would be required to accompany the application. Under the Regulations, the time period for determining the application was suspended from the point at which the applicant confirmed that an Environmental Statement would be prepared (6<sup>th</sup> August 2014) and the date on which the Environmental Statement was received at the end of November 2014

- Consultation on the ES and supporting Landscape and Visual Impact Assessment (LVIA) began in early December 2014. Following discussions relating to objections received and in relation to the LVIA methodology, the applicant confirmed that they would prepare a revised Environmental Statement and new Landscape and Visual Impact Assessment. These were received in April 2015
- The applicant has also submitted further revisions to other supporting information and new information to support the application in response to issues raised by consultees or officers or to help clarify existing information. These include:
  - Revised Drainage Strategy (December 2014)
  - Revised Noise Assessment (March 2015) and Technical Note (July 2015)
  - Air Quality Assessment Update (February 2015)
  - Revised Design and Access Statement (April 2015)
  - Updated Transport Assessment (May 2015)
  - Planning Statement Addendum (May 2015)
  - Independent Design Audit of the Design and Access Statement (April 2015)
  - Agricultural Land Classification Report (February 2015)
  - Phased Landscaping Plan (April 2015)
  - Viability Assessment (April 2015)
  - Revised Viability Assessment (September 2015)
- In order to avoid consultation fatigue and confusion over the application, the applicant agreed that consultation on all of the new and revised material should take place at the same time. A further consultation began on 17<sup>th</sup> June 2015 which reflected the point at which most of the information was received in order for this to take place and to allow the consultation to proceed in accordance with the EIA Regulations.

4.2 Officers have spent a significant period of time over the course of the application considering the landscape and visual effects of the scheme and the implications of the proposal in outline form. More recently, the progress of the application has been affected by discussions prompted by the implications of the Viability Assessment which was submitted at a relatively late stage in the application process.

## **5.0 PLANNING POLICY CONTEXT AND DECISION TAKING PRINCIPLES:**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 The Development Plan for the area of Ryedale (not within the North York Moors National Park) consists of:

- The Ryedale Plan – Local Plan Strategy (2013)
- ‘saved’ policies of the Ryedale Local Plan (2002) and the 2002 Proposals Map
- The Yorkshire and Humber Plan (Regional Spatial Strategy):- York Green Belt Policies (YH9 and Y1)

5.3 Wider legislation places specific statutory duties on planning authorities:

- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character and appearance of that area.



- Section 40(1) of the Natural Environment and Rural Communities Act 2006 (the 'NERC' Act), imposes a duty on public authorities in exercising their functions, to have regard to the purpose of conserving biodiversity.
- Section 85 of the Countryside and Rights of Way Act 2000, places a general duty on public authorities in exercising or performing any functions in relation to, or so as to affect land in an Area of Outstanding Natural Beauty to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- All public bodies are required to comply with the rights and freedoms of the European Convention on Human Rights under the provisions of the Human Rights Act (1998).
- The proposed development is 'EIA Development' and as such the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) require that a decision on the application is made in the full knowledge of any likely significant effects on the environment.

### Development Plan

- 5.4 None of the remaining 'saved' policies of the Ryedale Local Plan or the Yorkshire and Humber Plan are considered to be relevant to the assessment of this application.
- 5.5 The Ryedale Plan - Local Plan Strategy (LPS) provides recently adopted development plan policies which are compliant with national planning policy (the National Planning Policy Framework – NPPF). The current Proposals Map is the 2002 adopted Proposals Map.
- 5.6 The LPS contains strategic policies to manage development and growth across Ryedale to 2027. It seeks to integrate the need to address development needs whilst protecting the environment and landscape and securing necessary improvements to services and infrastructure. The Plan directs most new development to the Market Towns and recognises that green field extensions to the Towns will be required to address development needs. It confirms that as part of this strategic approach, Malton and Norton will be the primary focus for growth over the plan period and that within this, a greater focus (albeit not exclusive) will be placed on locating new development at Malton.
- 5.7 The following policies of the Ryedale Plan - Local Plan Strategy are relevant to the assessment of the application:
- Policy SP1- General Location of Development and Settlement Hierarchy
  - Policy SP2 - Delivery and Distribution of New Housing
  - Policy SP3 - Affordable Housing
  - Policy SP4 - Type and Mix of New Housing
  - Policy SP6 - Delivery and Distribution of Employment Land and Premises
  - Policy SP7 - Town Centres and Retailing
  - Policy SP10 - Physical Infrastructure
  - Policy SP11 - Community Facilities and Services
  - Policy SP12 - Heritage
  - Policy SP13 - Landscapes
  - Policy SP14 - Biodiversity
  - Policy SP15 - Green Infrastructure Networks
  - Policy SP16 - Design
  - Policy SP17 - Managing Air Quality, Land and Water Resources
  - Policy SP18 - Renewable and Low Carbon Energy
  - Policy SP19 - Presumption in favour of Sustainable Development

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

- 5.8 The NPPF provides national planning policy and is accompanied by practice guidance. Both are significant material planning considerations in the decision taking process.
- 5.9 The NPPF makes it clear that it is the purpose of the planning system to contribute to the achievement of sustainable development. The Framework makes it clear that there are three dimensions to sustainable development which give rise to the need for the planning system to perform an economic role, a social role and an environmental role. It confirms that the policies in the NPPF (paragraphs 18-219) taken as a whole, constitute what this means for the planning system.
- 5.10 The Framework establishes a set of core land-use principles to underpin the planning system within its overarching purpose of contributing to the achievement of sustainable development which include that planning should:
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs
  - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
  - Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it
  - Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources
  - Contribute to conserving and enhancing the natural environment and reducing pollution
  - Promote mixed use developments
  - Conserve heritage assets in a manner appropriate to their significance
  - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
  - Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs
- 5.11 Where specifically relevant to the application, the policies of the NPPF are referred to within the appraisal section of this report. Predominantly but not exclusively, this includes those policies which cover the following:
- Promoting sustainable transport
  - Delivering a wide choice of high quality homes
  - Requiring good design
  - Promoting healthy communities
  - Conserving and enhancing the natural environment

## The Presumption in Favour of Sustainable Development

5.12 Both the Development Plan and the National Planning Policy Framework include policies which promote a presumption in favour of sustainable development to be applied in the decision making process alongside the legislative requirement that decisions are made in accordance with the development plan unless material considerations indicate otherwise.

5.13 Paragraphs 11-16 of the National Planning Policy Framework details how the presumption in favour of sustainable development is to be applied. Paragraph 12 of the NPPF makes it clear that:

*“Proposed development that accords with an up to date Development Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise”.*

5.14 Paragraph 14 specifically confirms that a presumption in favour of sustainable development is at the heart of the NPPF and should be seen as a golden thread running through plan-making and decision taking. It states that for decision- taking this means (unless material considerations indicate otherwise)

- *“ approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
  - *specific policies in the framework indicate that development should be restricted.”*

5.15 Policy SP 19 of the Local Plan Strategy is consistent with the above national presumption but makes specific reference to the Local Plan and Neighbourhood Plans; working proactively with applicants and clarifies the application of the second bullet of the national presumption. It states:

*“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions of the area.*

*Planning applications that accord with the policies in this Local Plan (and where relevant, with policies in Neighbourhood Plans) will be approved without delay unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted”*

## **6.0 CONSULTATIONS:**

6.1 A brief summary of the position of statutory and non statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view on the public website.

6.2 In terms of neighbour responses, 125 letters of objection have been received from groups or individuals in response to the initial (June 2014) consultation and consultation on the Environmental Statement and Landscape and Visual Impact Assessment (December 2014).

6.3 One letter of objection has been signed by 40 residents of Hollis Court and 12 letters of objection were received from a local group of 33 members of the public - the West Malton Residents Group. 3 letters were received expressing support for the comments made by the West Malton Residents Group. In addition 6 letters expressing concern with elements of the proposed development were received. All letters are available to view on the Council's website.

6.4 A summary of the objections and concerns received is appended to this report. In brief, objections relate to:

- The scale and location of the development
- The uses proposed and associated impact on the amenity of residents
- Indicative design and implications for amenity of existing residents
- The impact on the character of the area
- Inability of infrastructure to cope with additional development
- Lack of a need for housing
- Loss of farmland
- Impact on trees and wildlife
- Impact on safety of residents
- Impact on landscape and the Area of Outstanding Natural Beauty
- Increased air, noise and light pollution
- Increased traffic congestion in Malton
- Impact of traffic on Middlecave and Castle Howard Roads
- The proposal is contrary to the plan-led system/premature
- Uncertainty associated with the outline nature of application
- Effect on house prices
- Inadequacy of the supporting information

6.5 27 letters of objection, including 14 letters of objection from the West Malton Residents Group and 1 letter expressing concern with the development have been received in response to consultation on the revised material and new documentation. A number of these objections repeat issues which have been raised during the previous consultation although further issues raised include:

- The loss of high grade agricultural land
- The Council now has a five year land supply
- Access as a reserved matter
- Limited affordable housing contribution
- No highway assessment of a new school in this location
- Concern over the accuracy and reliability of the Air Quality Assessment and its findings

6.6 Members should also be aware that a petition against the proposed development was delivered to the Council offices on 14 July 2015. The petition has 444 signatories.

12 letters of support have been received from members of the public and local businesses during the initial consultation. A summary of comments in support of the application is appended to this report. In brief, the application has been supported for the following reasons:

- Need for housing
- Support the retirement home
- Potential for contracts with local businesses
- Attention to design
- A self contained community will place less pressure on the Town
- Additional people will help the town grow which will support business

One letter has been received which does not explicitly object to or support the application.

## **7.0 APPRAISAL:**

### Principle of Development

- 7.1 The site is not allocated in the development plan for the uses proposed and consequently the principle of development of the site is not established by the development plan. The principle of development would be established if Members are minded to grant planning permission, taking account of the strategic policies of the development plan and all other material considerations.
- 7.2 The applicant has the view that the Local Planning Authority has established the principle of the development of the site by virtue of the fact that the site is included in the Council's Strategic Housing Land Availability Assessment (SHLAA) as a 'Category 1 site' and because the site is referred to in the Ryedale Special Qualities Study.
- 7.3 Neither of these documents establishes the principle for the development of the site. The SHLAA is a technical (planning policy 'off') study designed to identify theoretical housing potential to inform the plan-making process. All sites put forward for consideration through the Local Plan process have been included in the SHLAA and the document itself makes it very clear that sites included in the study have no formal planning status. This is consistent with the national Planning Practice Guidance which confirms that it is the role of a SHLAA to provide information on a range of sites available to meet need but that it is for the plan-making process to determine which sites are most suitable to meet needs.
- 7.4 The Ryedale Special Qualities Study is a technical study which has been produced to support the production of the development plan. As an alternative to the production of a district-wide landscape appraisal, the study focussed on the landscape sensitivities associated with areas of development pressure. To inform this, all of the broad locations of sites put forward through the plan-making process were covered by the study. This is the reason why the study included the area covered by the application site. The study makes it clear that it has not been undertaken on a site-by-site basis and it was not the role of the study to comment on the merits of individual sites.
- 7.5 In a similar vein, Members will be aware that the application site is one of two particularly large sites at Malton and Norton that the Council will consult on this summer as a potential site allocation option.

Members will recall that this decision reflected the fact that for Malton and Norton, larger development sites were considered to offer a particular opportunity (based on the information available at the time) to address strategic infrastructure requirements and to deliver affordable housing. Consultation on the site as a potential preferred option as part of the plan-making process does not in itself establish the principle of development. It is the outcome of that process which will do this. It is important that Members recognise this as the inclusion of the site (and other sites) as one of a number of site options for the plan-making process was in part informed by information held in relation to planning applications. Information in support of the site has changed and this is something that will be explored with the applicant through the plan-making process.

7.6 The key issues in the assessment of the proposal are as follows:

- Location and nature of the uses proposed
- Housing Land Supply and Housing Requirements
- Design
- Landscape and Visual Effects
- Accessibility, Highways and Air Quality
- Drainage
- Social Infrastructure
- Ground Conditions
- Noise
- Biodiversity
- Heritage Assets
- Loss of Agricultural Land
- Trees
- Amenity of neighbours
- Economic issues
- Permission period sought

#### Location and nature of the uses proposed

7.7 Policy SP1 (General Location of Development and Settlement Hierarchy) of the Local Plan Strategy makes it clear that Malton and Norton will be the primary focus for the growth needed to meet future development requirements in Ryedale. The strategy recognises that greenfield sites on the edges of Malton and Norton will be required for family housing, accommodation to address the needs of an ageing population and to provide new business space. It places a greater (albeit not exclusive) focus on locating development at Malton.

7.8 Policy SP2 (Delivery and Distribution of new housing) of the Local Plan Strategy makes provision for approximately 1500 new homes to be delivered at Malton and Norton over the life of the plan. It is clear that this is to be delivered through new housing land allocations within development limits of the towns and on extension sites of a range of sizes around Malton and Norton and within the boundary of the A64 at Malton. The also policy makes it clear about the sources of new housing at Malton and Norton which includes new housing land allocations and the development of land within Development Limits.

7.9 The application site lies outside of the Development Limits and is not allocated for the uses proposed and as such the proposal does not comply with Policy SP2. If however, it is considered that there is a need to release the site or that the benefits of the proposal justify the release of the site, the application site is broadly consistent with the broad locational policy objectives of SP1 and SP2 and is within the quantum of housing development identified for Malton and Norton in SP2.

- 7.10 Although the proposal is for a residential-led scheme, a range of other uses are proposed which require specific consideration in terms of the proposed location. The Planning Statement which accompanies the application states that the following employment and community facilities would be provided on the site:
- Not more than 2,000 sq.m. of floorspace for business (office- B1 and light industrial – B1c) uses
  - Not more than 1,000sq.m. of floorspace for shop (A1), restaurant/café (A3), and drinking establishment (A4) uses
  - Not more than 850sq.m of floorspace for non-residential institutional (D1) and assembly and leisure (D2) uses
- 7.11 The applicant has indicated that these uses are included within the proposal to support the delivery of a sustainable extension to Malton and to provide local community facilities and amenities. In this respect, the Planning Statement goes on to make reference to the inclusion of a ‘small shop and potential bar/coffee shop’ within the scheme and to confirm that no non-food (comparison) retailing is proposed as part of the scheme.
- 7.12 A number of these uses, including the proposed retail, leisure, entertainment and office uses are uses which fall within the definition of ‘Main Town Centre’ uses under national policy.
- 7.13 Paragraph 24 of the NPPF requires Local Planning Authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date development plan. Whilst the Local Plan Strategy is an up-to-date part of the development plan, the site is not allocated for these uses in the plan and paragraph 24 applies.
- 7.14 Paragraph 26 of the NPPF states that Local Planning Authorities should also require an assessment of the impact on town centres of proposals when assessing applications for town centre uses which are not in accordance with an up-to-date development plan and if the development exceeds a locally set floorspace threshold or a default threshold of 2,500 sqm.
- 7.15 Policy SP7 (Town Centres and Retailing) of the Local Plan Strategy is designed to not repeat national policy but to operate alongside it. It includes a local floorspace impact threshold of 750sq.m for food retailing on sites outside of identified town centres.
- 7.16 The purpose of national and local policy is to ensure the viability of Town Centres. The applicant has confirmed that food retailing floorspace will not exceed the local floorspace impact assessment threshold of 750sqm and that the overall floorspace proposed for Town Centre uses does not exceed 2,500 sqm. Whilst not stated in the Planning Statement, in confirming these thresholds, the applicants will be aware that these are gross floorspace thresholds. It should be noted that the applicants planning statement indicates that they consider that proposed A3 (restaurant/café) and A4 (Drinking establishment) uses fall outside of the definition of main town centre uses in the NPPF. This is not the case. The NPPF (Annex 2) includes restaurants, bars and pubs within the definition of main town centre uses. It is appropriate therefore that for the purposes of considering the application that these uses are included within the overall 2,500 sqm (gross) of town centre uses proposed.
- 7.17 It is considered that on that basis, the proposed development would not trigger any retail impact assessment under the provision of national and local policy. However, the sequential test does need to be applied in order to determine whether there are sequentially preferable sites to accommodate the town centre uses proposed.

- 7.18 To apply the sequential test, it is first necessary to define an appropriate area of search which itself is informed by the scale and nature of development proposed. From the information provided by the applicant it is taken that the intention is to provide facilities/amenities to meet localised neighbourhood needs. The Institute of Highways and Transportation advise that the preferred maximum walking distances to local facilities, including local foodshops is 800m. It is considered therefore that this provides a reasonable reflection of the likely catchment area for the proposed A1, A3, A4 and D1 and D2 uses. The transport assessment accompanying the application confirms that the nearest part of the site to Malton Town Centre is circa 800m, so that most of the site and the developable area lies at a greater distance from the Town Centre. (the distance from the centre of the site to the town centre is circa 1000m). On this basis, it is not considered unreasonable to conclude that the catchment area of the proposed retail, community and leisure uses would not include Malton Town Centre or any other defined centre and on that basis, it is considered that there are no sequentially superior sites to which the floorspace could be directed.
- 7.19 It should be noted that this conclusion is made on the basis that the proposed uses and in particular, the A1 retail uses are of a scale which would mean that they genuinely serve a localised neighbourhood function. At the present time convenience store formats are wide ranging and ever evolving, driven by restructuring in the retail industry. It is considered that a generally accepted size of a local convenience store is one with a gross floor area of 372 square metres ( net sales area of circa 280 square metres or 3,000 square feet).
- 7.20 The applicant has indicated that they are seeking a level of convenience shopping floorspace not exceeding 750 square metres. If this were to come forward as one unit, it is considered that such a store would serve a wider catchment area, with implications in terms of retail policy. Furthermore, it is considered that the presence of a convenience store which is larger than one which is designed to serve a localised need would change the role of the development proposed. For this reason it is considered that, if Members are minded to grant permission for the development, a condition should be used to restrict the maximum floor area of any single retail unit. It is considered that a typical local convenience store size (circa 372 gross floor area) would be appropriate. This would be in addition to conditions restricting the overall level of floorspace in each broad use class and to restrict the maximum amount of floorspace for uses defined as main town centre uses to 2,500 sqm (gross).
- 7.21 The proposed local facilities will provide for the everyday convenience needs of future residents as well as those currently living nearby whose nearest retail facilities are within or on the edge of the Town Centre. It is considered that the provision of such facilities would be a benefit of the scheme which would help to ensure that as the Town grows, the need to access the town centre, particularly for convenience ‘top up’ shopping is reduced. The need to deliver community facilities as a means of enhancing the sustainability of communities and residential environments is supported by national policy (paragraph 70 of the NPPF). Additionally, Policy SP11 (Community Facilities and Services) of the Local Plan Strategy supports the provision, in principle, new community facilities and services where they are needed, in recognition of their contribution to quality of life and in supporting sustainable communities.
- 7.22 The office uses proposed in the application are also defined as Main Town Centre uses under national policy and in this respect the proposal will need to comply with the sequential test. Whilst the applicant has confirmed that there is some limited availability of upper floor town centre office accommodation, the Council’s Employment Land Review does identify a requirement for modern purpose built office facilities. In this respect, town centre upper floor accommodation is proving unsuitable in addressing modern office requirements.



Whilst the reuse of upper floors is something to be encouraged, it would be unrealistic to insist that they are suitable to address identified office floorspace requirements.

- 7.23 The Employment Land Review recognises that this could be addressed through new employment sites which it has identified on the edge of the town. In this respect, the site is considered to be sequentially equal to the sites which the Employment Land Review has identified as providing a potential source of new office accommodation (including for example, York Road Industrial Estate and Eden Camp) and to one site – Manor Farm at Old Malton which currently benefits from an extant permission for offices. All of these locations are considered to be out of town locations for the purpose of applying the sequential test.
- 7.24 The inclusion of some office and light industrial employment space on the site will assist in providing a further range and choice of employment premises for small businesses which is supported in principle by SP9 (Delivery and Distribution of Employment/Industrial Land and Premises). It is also consistent with national policy (paragraph 28 of the NPPF) which encourages the sustainable economic growth of business and enterprise in rural areas.

### Housing Land Supply and Housing Requirements

#### Land Supply

- 7.25 Policy SP2 (Delivery and Distribution of new housing) of the Local Plan Strategy commits the authority to maintaining a supply of deliverable sites sufficient to provide five years worth of housing against planned annual requirements of 200 homes per year with an additional supply of 20%. The policy is framed to reflect the requirements of national policy (paragraph 47, NPPF) to identify and maintain a five year supply of deliverable housing land with an additional supply buffer to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 7.26 The NPPF states (paragraph 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. It makes it clear that if a local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. Members are reminded that where this is the case, Policy SP19 is clear that planning permission should be granted “*unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in that framework indicate that development should be restricted*”.
- 7.27 Currently, Ryedale can demonstrate that it has a five year supply of deliverable housing sites. At 31/3/15 a total net supply of 1461 plots with planning permission existed which equates to 7.31 years of housing land supply (based on the planned housing requirement of 200 units per annum). The recent SHLAA Part 1 update (May 2015) illustrates that from this ‘raw’ supply (which equates to a numerical 5 year supply plus an additional 46%), 1173 new homes will be delivered over the next five years. This equates to 5.92 years worth of deliverable housing supply.
- 7.28 Members should be aware that this supply position does not include applications which are approved in principle and which are currently awaiting the completion of Section 106 agreements. In addition, it does not include the supply of housing land identified in the Helmsley Plan which the Council adopted in July 2015. The housing land supply from these sources equates to circa 200 new dwellings and this will significantly increase the supply of housing land to support housing delivery against planned targets over the short-medium term.

- 7.29 Members are aware that the ability to demonstrate a five year deliverable supply of housing land is not in itself a reason for the refusal of a planning application. The ability to demonstrate a five year deliverable supply has the effect of meaning that there is no immediate need to release a site in order to address a shortfall in the supply of housing land. As with the release of any site for housing land, the release of the site would contribute to the supply of housing land in the District and, given its size, the release of the site would assist in providing a continuity of supply over the remainder of the plan period. However, there is currently no need to release the site as a result of a current shortfall in housing land supply and the release of the site cannot be argued as a benefit of the scheme on the basis of this issue.

### Type and Mix of Housing

- 7.30 Policy SP4 (Type and mix of new housing) makes it clear that new housing sites will be expected to provide increased housing choice and to contribute to the provision of a balanced housing stock. The policy includes a number of specific requirements. The policy requirements which are particularly specific to this application include:
- The provision of at least 5% of all dwellings as bungalows where this is viable
  - The provision of affordable accommodation for the elderly as part of an affordable housing contribution
  - That specialist accommodation for the elderly should be located in areas where services and facilities can be easily accessed by walking or the use of public transport
  - That the type and size of new housing will be expected to address identified stock imbalances
  - That housing is well designed and supports safe and inclusive communities
- 7.31 In addition and within the context of this application, Policy SP3 (Affordable Housing) seeks to secure 35% of new dwellings as affordable dwellings to be provided on-site, having regard to the circumstances of individual sites and scheme viability.
- 7.32 Both of these development plan policies are consistent with national planning policy which seeks to ensure the delivery of a wide choice of high quality homes, to widen opportunities for home ownership and to create sustainable, inclusive and mixed communities. Paragraph 50 of the NPPF makes it clear that Local Planning Authorities should:- plan for a mix of housing; identify the size, type, tenure and range of housing required; set policies for meeting affordable housing need.
- 7.33 The information supporting the application indicates that the applicant intends to design and build a scheme which is different in its design, layout and construction from the large new housing developments which are traditionally provided by the volume house builders.
- 7.34 In general, it is considered that the broad concept of the development as it is described in the supporting information would assist in increasing the choice of new housing available in Malton and Norton. In broad terms this would be consistent with Policy SP4 of the development plan and reflects national policy of delivering a wide choice of new homes.
- 7.35 The applicant's Planning Statement indicates that the applicant intends to provide a mix of house types including market and affordable housing. It confirms that the applicant intends to provide 5% of the dwellings as bungalows. The application also seeks permission for a retirement home facility which the Planning Statement indicates will be in the form of a 60 bed retirement home. In addition, the Planning Statement Addendum also indicates that the applicant intends to provide some self-build opportunities on the site.

It is considered that the inclusion of single storey dwellings and specific housing for the elderly will assist in meeting identified housing requirements and will help to increase housing choice as required by Policy SP4 and national policy. The level of demand for self-build housing is not something which is currently identified in a Strategic Housing Market Assessment, nevertheless, it is considered that self build opportunities would in principle, increase housing choice.

- 7.36 The applicant has stated their intention that the mix and type of the market dwellings will be agreed at reserved matters stage, informed by an up to date assessment of need. Members will be aware, on reading this report as a whole that the applicant intends to phase the submission of reserved matters over a period of ten years. In this respect, it is likely that several Strategic Housing Market Assessments will be produced over the life of the build out of the scheme which will provide the latest evidence of the mix and type of homes required over a given period. It is appropriate that flexibility exists to ensure that the development delivers against up to date housing requirements. Therefore, if Members are minded to approve the application it is considered that a suitable condition is applied to ensure that at the reserved matters stage, the mix and type of market housing reflects the proportions of house types and sizes which are identified in the most up to date assessment of housing requirements.

### Affordable Housing

- 7.37 The applicant has undertaken a Viability Assessment of the proposed development which has been prepared by DTZ. An outcome of the assessment is that the applicant has confirmed that 10% of the dwellings will be provided as affordable units and that this is the level of affordable housing which can be delivered if other necessary contributions to education and off-site transport and highway works are to be provided. The applicant has said that this contribution could be increased to 12% if the affordable housing tenure split was to be 50/50% intermediate and rented tenures as opposed to the Council's position to secure 10% intermediate and 90% rented tenures.
- 7.38 It appears from the applicants viability work that the proposed contribution does not equate to 10% of 500 dwellings. If officers have understood this work correctly, it appears that the contribution proposed is 10% of 451 dwellings. (The viability work has assumed a reduced number of dwellings coming forward on the site). Against this context, the proposed contribution is in effect between 9% or 10% of the total maximum number of residential units for which permission is sought.
- 7.39 Clearly the proposed affordable housing contribution falls significantly short of the policy target of 35% included in Policy SP3 of the Local Plan Strategy. The policy recognises that a contribution of 35% is a policy target and that the Local Planning Authority will look to maximise provision against this target having regard to the circumstances of individual sites and viability.
- 7.40 Officers have sought independent advice on the viability assessment from a company (Dixon Searle Partnership - DSP) which specialise in providing viability advice to the public sector in cases such as this. In response to the applicant's appraisal, DSP have expressed some concern over the approach used.
- 7.41 It should be noted that the Viability Assessment is not a viability assessment of the development proposed as a whole. It has assumed land receipts for the non-residential elements of the scheme and for the retirement apartment complex. The appraisal itself is focussed on a residential scheme of 391 dwellings ( the reduced 451 dwellings minus the 60 apartment units).

DSP has expressed concern that the Viability Assessment does not match the quantum of development for which permission is sought in outline form and note that *"the nature of the process is such that a scheme of say, 500 dwellings of a different type, mix and proposed quality could come forward that would bear little resemblance to the scheme reviewed here and upon which the Council are being asked to make a significant affordable housing concession"*.

- 7.42 In terms of detailed assumptions within the appraisal, DSP has confirmed that *"although we would not disagree with a number of assumptions forming the DTZ Viability Appraisal and associated report, there area number of areas where we continue to disagree with the applicant's assumptions, alterations to which could improve the viability position"*.
- 7.43 DSP have gone on to state that: *" We are of the opinion that the report and associated appraisals and information do not reflect the potential affordable housing and other planning obligations that could be secured on this site. In our view the capacity to provide a higher, policy compliant level of affordable housing than currently explored should be explored. of course, no viability appraisal or review can accurately reflect costs and values until a scheme is built and sold - this is the nature of the viability review process. In this sense the applicant and their agents are in a similar position to us in estimating positions - this is not an exact science by any means, and we will find that time horizons will usually vary particularly with an outline application with long time horizons. Overall, however, our view is that the affordable housing position as currently proposed does not represent the optimum position and possibly significantly underestimates the potential."*
- 7.44 DSP have concluded that *" Notwithstanding this and some detailed points of difference over individual assumptions (not least the land value benchmark), even were it agreed that the viability of the scheme were likely to be as presented, the Council would need to decide whether they were willing, at this stage in the process, to forgo affordable housing on this basis or whether a better approach may be to agree a framework for reviewing viability linked to the phases of development as they come forward."*
- 7.45 DTZ ( now Cushman and Wakefield) have responded to the advice provided by Dixon Searle and have confirmed that they do not agree with their findings or the conclusion that the site could offer a greater level of planning gain than they had identified. Notwithstanding this, they have confirmed that they consider an appropriate way forward would be to proceed on the basis of the review mechanism suggested by Dixon Searle. They have stated that this would allow the quantum of affordable housing to be determined according to viability appraisal carried out at the commencement of each phase and on the basis that the applicant will commit to 10% affordable housing as a minimum with acknowledgment that 35% may be provided subject to viability.
- 7.46 Officers are of the view that whilst the suggested framework for review does provide a potential way forward if Members are minded to approve the application, it provides no certainty that the viability position/ affordable housing contribution would improve. Indeed, as noted above, the applicant has confirmed that the site could not achieve a greater level of contribution.
- 7.47 In light of the advice from DSP, that the scheme does not optimise affordable housing provision, it is considered that the proposal does not comply with Policy SP3 of the Development Plan. The need to address affordable housing need is a key objective of the Development Plan and as such the contribution as proposed is not considered to represent a significant benefit of the scheme. Indeed, it could be argued that the inability of a site of such a scale to deliver affordable housing in any significant number is a disbenefit.

In effect, it would mean that a large proportion of the housing requirement for the Principal Town would fail to contribute in any significant way, to the acute level of affordable need which exists in the District and at the Principal Town. The Local Planning Authority would need to release further housing land to address the shortfall in affordable housing provision.

- 7.48 Members should be aware that the Housing Services Manager has **strongly objected** to the application on the basis of the proposed level of affordable housing.
- 7.49 The applicant has stated that it is intended that affordable properties will be transferred to a Registered Provider (RP) and that the affordable properties will be built to the same high quality as the rest of the scheme and ‘pepper-potted’ across the site. Officers have raised concerns over potential deliverability issues for Registered Providers if as the applicant has indicated, service charges and restrictive covenants are to be applied across the site. The use of the latter may fetter a Registered Providers ability to effectively manage its properties. A number of Registered Providers with a history of acquiring affordable properties in Ryedale have expressed concerns about the use of restrictive covenants although without the detail of what this could cover could not confirm whether this would affect their ability or decision to take on the affordable properties on this scheme if offered to them.
- 7.50 The applicant is however, in discussion with one Registered Provider that has confirmed that it would deliver the affordable properties if these were subject to service charges and covenants. Whilst this provides a degree of comfort that the affordable properties can be delivered by a RP, it is unclear whether it is the applicant’s intention that this particular RP is to be party to the necessary Section 106 agreement. If this is not the case and if Members are minded to approve the application, the Section 106 agreement will need to include clauses to ensure that the affordable housing is deliverable. A clause will be needed to ensure that service charges are set at a level which ensures properties remain affordable. Additionally, the Section 106 would need to cover the situation, should it arise, where an RP could not commit to the delivery of the affordable units by virtue of the fact that a restrictive covenant is to be applied. This could involve the applicant delivering social rented properties themselves or through the use of a clause which would prevent the imposition of covenants on properties if an RP cannot deliver the properties as a result of their use.
- 7.51 The applicant has stated that the size, type and tenure of the affordable dwellings will be agreed at reserved matters stage, based on needs at the time of the reserved matters applications. Similar to the mix of market housing, it is appropriate that flexibility exists to ensure that the development delivers against up to date assessments of housing need. Therefore, if Members are minded to approve the application it is considered that a suitable condition is applied to ensure that at the reserved matters stage, the type and tenure of affordable housing reflects the proportions of affordable house types and tenures which are identified in the most up to date assessment of housing need.
- 7.52 The applicant is aware that in terms of the size of affordable properties, the Council will look to ensure that these reflect the standards in place at the time. It is understood that these size standards have been used within the Viability Assessment work and this again will need to be the subject of a Section 106 clause if Members be minded to approve the scheme.

## Design

- 7.53 Policy SP16 (Design) of the Local Plan Strategy makes it clear that development proposals will be expected to create high quality durable places that: are accessible; well integrated with their surroundings; reinforce local distinctiveness; provide a well connected public realm which is accessible and usable to all; safe and easily navigated and which protects amenity and promote well-being. The Policy goes on to confirm that to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of development should respect the context provided by its surroundings. In addition, Policy SP20 (Generic Development Management Issues) of the Local Plan Strategy also requires new development to respect the character and context of the immediate locality and wider landscape and townscape character.
- 7.54 The National Planning Policy Framework (NPPF) confirms that the government attaches great importance to the design of the built environment. Paragraph 58 of the NPPF makes it clear that planning decisions should aim to ensure that developments function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; create and sustain an appropriate mix of uses and support local facilities and transport networks; respond to local character; create safe and accessible environments and visually attractive development as a result of good architecture and appropriate landscaping.
- 7.55 Paragraph 60 of the NPPF makes it clear that planning decisions should not attempt to impose architectural style or particular tastes and should not stifle innovation, originality or initiative. Paragraph 63 (NPPF) goes on to state that in determining applications great weight should be given to outstanding or innovative designs which help to raise the standard of design more generally in the area.
- 7.56 Paragraph 61 of the NPPF confirms that securing high quality and inclusive design goes beyond aesthetic considerations and that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. National Policy (paragraph 64) makes it clear that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.57 The importance of securing good, high quality design is reinforced in the national Planning Practice Guidance (PPG). The PPG makes it clear that good design can be achieved by planning which promotes - local character (including landscape setting); safe, connected and efficient streets; a network of greenspaces and public places; appropriate security measures; access and inclusion; efficient use of natural resources; cohesive and vibrant neighbourhoods and which addresses crime prevention.
- 7.58 The PPG confirms that a well designed place is one which is: functional; supports mixed uses and tenures; is lively; adaptable and resilient; has a distinctive character; is attractive and promotes ease of movement.
- 7.59 The guidance goes on to advise that to help achieve good design objectives, planning decisions need to manage physical form at a variety of scales and that where appropriate: the layout, form (shape) and scale (size) of buildings, including how these relate to surroundings; detailing and materials should all be considerations.

## Design Approach

- 7.60 The application is supported by a Design and Access Statement (DAS) and an independent audit of the DAS - a Building for Life 12 Review.
- 7.61 The DAS makes it clear that it is the applicant's intention to create a well designed , high quality development with a strong identify and which will embody the principles of 'New Urbanism'. This is an urban design movement which promotes models for the growth of places that are designed to counter the suburban, often mono-functional expansion of settlements which (from reading the DAS as a whole) is considered to fuel car dependency, to be detrimental to health and well-being and visually unrewarding. The inclusion of a mix of uses, open spaces and community facilities and spaces, together with a strong architectural character and a layout to promote walking are some of the reasons why the applicant considers that such a model of growth represents a more sustainable way in which to grow a place. It is understood that as well as aiming to create new well designed places, the approach is also promoted as one which would help to 'repair' or 'reurbanise' existing suburban areas to the benefit of existing communities and places.
- 7.62 The principles of New Urbanism are listed on Page 4 of the DAS which is appended to this report in full. The proposal is likened to a development called Poundbury at Dorchester which was also designed by the same master planner.
- 7.63 Although the application is in outline form, the DAS includes a detailed masterplan to illustrate the applicant's intentions for the development of the site/scheme. The masterplan reflects the indicative masterplan which was submitted with the application but subsequently withdrawn by the applicant. The applicant has confirmed that the masterplan/ design approach in the DAS is their preferred design approach for the site.
- 7.64 Across much of the site, the housing and employment uses would be arranged in a series of development blocks or 'cells', each approximately 100 square metres in size. Each cell is designed to be tied to another by small connecting roads and within each cell, lanes will provide access and courtyards will provide spaces for garages and parking.
- 7.65 A chain of villas is illustrated along the eastern boundary of the site, adjacent to a linear village green which stretches between Middlecave Road and Castle Howard Road. Together, these elements define the eastern side of the site.
- 7.66 A village square is shown as occupying a central position in the scheme adjacent to the village green. A shop, pub, village hall and orientation tower are proposed adjacent to the square with a 60 unit retirement apartment complex positioned to the south of the square towards Castle Howard Road.
- 7.67 Two streets radiate diagonally south and west from the village square and a perimeter road encompasses the development. The DAS indicates that vehicular access will be achieved from Middlecave Road – adjacent to the existing veterinary surgery and by means of a new roundabout from Castle Howard Road. Woodland boundary planting and landscaping is proposed predominantly along the western and southern boundaries of the site.
- 7.68 The supporting material differs as to the density at which the scheme will be built. The DAS confirms that of the site area of 21.8ha, 18.2 ha is suitable for development after 3.6ha of land (the western woodland boundary) is deducted from the site area. The DAS confirms that this would equate to an average building density of 28 units to the hectare.

Alternatively, viability work supporting the application refers to a net developable area of 12.71 ha which it is assumed takes account of further areas of open space, landscaping and routes around the site. This would result in development built at a higher density of 39 units to the hectare.

- 7.69 A significant feature of the scheme and design concept as described in the DAS is the change in the profile of the development across the site from west to east. Whilst much of the site is described as two storey and 'village scale', buildings are described as increasing in size and scale as they focus around the village square and as they front the village green. The DAS makes reference to buildings to the west of the village green being 12.5m high and illustrations in the document indicate that this is to ridge height. At the village square, the DAS indicates that buildings are intended to range in height from 6.5m-10m although these are illustrated in the document as being heights to ridge. The orientation feature/tower at the village square is stated as being 30m in height. The DAS states that other orientation features (which from illustrations in the document appear to be tower structures) will be located at the southern and northern ends of the village green although no indicative heights are given for these structures. In addition, the DAS does not provide an indicative height for the proposed retirement apartment complex.
- 7.70 The DAS explains that the transition from residential scale buildings to buildings which grow in stature is designed to signify or provide an area of focus or importance; to assist orientation and to frame open spaces.
- 7.71 The applicant has commissioned an Independent Audit of the scheme as it is described in the DAS. The review or audit, is based on what is known as the Building for Life 12 framework (BfL12) which is an industry standard for well designed homes and neighbourhoods endorsed by the Government. The audit has been undertaken by the co-author of the Building for Life 12 framework. The review recognises that the application is in outline form and has concluded that:
- the development offers the potential to achieve BfL12 at any future Reserved Matters stage, subject to the imposition of a condition relating to the production of a design code structured against BfL12
  - achievement of BfL would ensure and demonstrate compliance with the NPPF and national Planning Practice Guidance and that it is not considered that at outline stage there is a justification for refusal on design quality grounds
  - the proposed development, if implemented as envisaged, will exceed the standards of good design required by the NPPF by virtue of its adherence to the principles of New Urbanism that will create a new walkable neighbourhood unit
  - the proposals offer the opportunity to help counter the typical mono-use suburban sprawl that has typified the recent expansion of Malton
- 7.72 It is of note that the scheme has the potential to achieve BfL12 and broadly this is to be welcomed. However, Officers are concerned that specifically, the proposed taller elements of the scheme and the illustrative massing of these elements are not appropriate in terms of the context in which the site is located. This is the relationship of the site to the town, surrounding countryside and landscape setting of Malton.
- 7.73 Whilst it must be assumed, given the credentials of the author, that the BfL audit has been applied as intended, Officers are of the view that it is not based a detailed contextual analysis of the site and that it provides a 'light touch' commentary on the appropriateness of the design of the scheme in relation to the context of the site.



Additionally, it could be argued that the DAS itself does not explicitly justify the inclusion of taller elements of the scheme in terms of a contextual analysis but rather to assist orientation and frame open space. Officers are concerned that neither of these documents fully engage with the emphasis that local policy, national policy and guidance place on the role of context in influencing and shaping new development.

- 7.74 The scheme, as articulated in the DAS presents town centre scale buildings, arranged and massed in such a way as to, in effect, replicate the profile of buildings within Malton's Town Centre. Officers are of the view that for a site on the edge of the town, buildings generally should be of a scale and mass which is subservient to the Town Centre. In this way, new building will help to reinforce the role and status of the Town Centre as the focal area of the Town. Furthermore, within its wider landscape setting, Malton is set within an undulating landscape, with the Town Centre largely nestled in the lowest points of the landform. As a result and from distance views, much of the Town Centre is not easily visible or recognisable as such. The scale and mass of the taller elements of the scheme on rising land which is elevated above the town would create the impression from distance views and from the surrounding countryside that one would be looking at Malton Town Centre. It is considered that in this respect and given this context, the scheme as proposed in the DAS would be detrimental to the form and character of the town and the form and character of the town in its landscape setting.
- 7.75 It is considered that the traditional and typical scale of most of the remainder of residential development on the site would be generally appropriate to the sites location as a site on the edge of the town.
- 7.76 Members do have the option of imposing a height restriction across the site if officers concerns over the taller elements of the scheme are shared. However, it is unclear whether the development proposed (a maximum of 500 homes) could be accommodated on the site with a height condition imposed or that it could be accommodated in a way which is acceptable. Members are reminded that the development is EIA development and in the absence of information which illustrates that the development can be accommodated with the use of a height restriction, officers would advise against the use of such a condition.

#### Designing out crime

- 7.77 The Police Designing Out Crime Officer (PDOCO) has expressed some concerns over the potential of the design approach to undermine public safety, increase crime and anti-social behaviour and has cited some press reports of examples of crime at Poundbury.
- 7.78 The PDOCO is concerned that high levels of permeability can conflict with Crime Prevention Through Environmental Design Principles and has raised specific concerns over the use of rear car parking courts and the layout and juxtaposition of public areas directly abutting private space. The PDOCO has also raised concerns over the inclusion of the village square which he considers has the potential to draw youths into the area which could in turn lead to anti-social behaviour problems. The PDOCO has advised that the applicant consults with the PDOCO as details of the scheme are drawn up and in responding to the application has listed a number of points in terms of designing out crime which the applicant is asked to take into consideration.
- 7.79 The applicant has responded to comments made by the PDOCO and has expressed concern over the anecdotal nature of some of the evidence of crime that the PDOCO has been referred to which it considers does not provide a true picture of crime in Poundbury and to be misleading.

The applicant has confirmed that surveys of residents of Poundbury undertaken in relation to crime and safety has remained overwhelmingly and consistently positive despite the fact that the settlement has grown substantially in size over time. Notwithstanding this, the applicant has confirmed that they would work closely with the PDOCO when drawing up details for the scheme.

- 7.80 The issues raised by the PDOCO are the preserve of reserved matters. Both the applicant and the PDOCO acknowledge that the need to address the potential risk of crime is an issue to be addressed through the detailed design of the scheme. There is no reason to assume that in principle, a design approach which embodies the principles of new urbanism cannot also be designed or adapted to reduce the risk of crime in a manner which will be acceptable to the PDOCO and to ensure that the development complies with national and local design policies relating to crime and safety. It should also be noted that some concerns over anti-social behaviour have the potential to be addressed through on-site management arrangements.

#### Sustainable building

- 7.81 Policy SP18 (Renewable and Low Carbon Energy) looks to ensure that all new residential development meets the highest 'Code For Sustainable Homes' standard (or successor) that is feasible and viable on the site in order to support energy efficiency and renewable and low carbon energy. The policy is broadly consistent with national policy. The material supporting the application does not explicitly state how the proposed development will address these issues although the Viability Appraisal supporting the application has not included specific costs associated with renewable technologies. The proposed development will need to be built in accordance with Building Regulations and it is assumed therefore that these are the highest standards that could be achieved on the basis of the viability of the scheme. It should also be noted that in terms of sustainability, the Design and Access Statement indicates that many traditional and natural materials will be used in the scheme. Officers are of the view that this could assist in providing some longevity to buildings and could help assist in reducing the overall consumption of resources in the construction of the scheme.

#### Landscape Character and Visual Effects

- 7.82 The site is open countryside on the edge of the Town. At its closest point (at the end of Castle Howard Road), the site is approximately 50m from the Howardian Hills Area of Outstanding Natural Beauty (AONB). It is approximately 291 metres from the AONB at the northern end of the western boundary of the site. The boundary of the AONB runs along the eastern edge of the Plantations - the belt of woodland which follows the line of Maiden Greve balk to the west of the A64.
- 7.83 The site provides a transition between the eastern side of Malton and the nationally protected landscape of the AONB to the west. Officers are of the view that the site forms part of the setting of the AONB. It shares many of the physical special qualities of the protected landscape, including topography, land use and landscape features and is a continuation of the landscape of the Howardian Hills to the edge of the Town. The site is visible from the AONB and the AONB is visible from the site. Castle Howard Road and the public rights of way which lead from Middlecave Road on either side of the site are key access routes into and from the AONB by foot or by car. Visually and functionally therefore, the site is considered to be part of the surroundings in which the AONB is appreciated and which influences experience of the AONB. The relationship of the site to the AONB was a key factor in the Local Planning Authority confirming that it considered the development to be 'EIA development'.

- 7.84 It is an objective of the Local Plan Strategy to protect and where appropriate, enhance the distinctive character of Ryedale's landscapes. Policy SP 13 (Landscapes) makes it clear that this will be achieved by encouraging new development which reinforces the distinctive elements of landscape character within broad landscape character areas and by protecting the special qualities, scenic and natural beauty of the Howardian Hills AONB and setting of the AONB. The policy makes it clear the impact of proposals on the AONB and its setting will be carefully considered.
- 7.85 The National Planning Policy Framework recognises the intrinsic character and beauty of the countryside as a core planning principle. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. National policy goes on (paragraph 115) to make it clear that great weight should be given to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) which (PDOCO with National Parks and The Broads) have the highest status of protection in relation to landscape and scenic beauty. This reflects the statutory purpose of AONB's which is to conserve and enhance the natural beauty of the area.
- 7.86 The national Planning Practice Guidance (PPG) reminds Local Planning Authorities that they are relevant authorities in respect of the legislation relating to AONB's. It confirms the statutory duty on relevant authorities to have regard to the purpose of an AONB in exercising or performing any functions in relation to or so as to affect land in an AONB. The PPG makes it clear that the statutory duty is relevant in considering development proposals that are situated outside the boundary of an AONB but which might have an impact on the setting of and implementation of the statutory purposes of these protected areas. The PPG also makes the point that an AONB Management Plan may be a material consideration in making decisions on planning applications where they raise relevant issues.
- 7.87 It is important that Members appreciate that the setting of a protected landscape is not itself subject to the protection conferred on the designated landscape. The test to be applied to the consideration of development proposals is the extent to which activity outside of a protected landscape affects the statutory purposes of the designation. The Howardian Hills AONB Management Plan (2014-2109) recognises that the appreciation of the natural beauty of the protected landscape and the statutory purpose of conserving and enhancing the natural beauty and special qualities of an AONB can be affected by development or indeed land management practices which occur outside of the protected area itself and within its setting.
- 7.88 The application is supported by a Landscape and Visual Impact Assessment. Over the life of the application, the identification of landscape and visual effects associated with the proposed development has been the subject of much discussion between officers, the applicant and the AONB Manager. The current LVIA is a revised version of an earlier assessment produced in December 2014, and is integral to the Environmental Statement supporting the application.
- 7.89 In response to the earlier assessment, both Natural England and the AONB manager objected to the landscape and visual impacts of the development which had been assessed on the basis of the scheme as illustrated in the then indicative masterplan. At the time, Natural England objected on the basis that it considered the proposals to have a likely significant impact on the purposes and designation of the AONB, largely as a result of a significant adverse impact on views from the AONB and on the landscape character of the setting of the AONB.

Natural England noted that the application was in outline and advised 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 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.*”

- 7.90 Similarly, in responding to the previous version of the LVIA, the AONB Manager reiterated his initial objection to the scheme and confirmed that “*although the application is only in outline the slavish adherence to the indicative layout gives me no option other than to consider this as if it were a full application. Contrary to the conclusions of the Environmental Statement, I believe that the photomontages (even allowing for possible inaccuracies) indicate that this development would have a major adverse impact on the AONB and its setting.*”
- 7.91 At that time, the AONB Manager expressed concerns over the accuracy of the LVIA and landscape consultants appointed to advise officers confirmed that elements of the previous LVIA did not comply with the latest guidance produced by the Landscape Institute.
- 7.92 The current, revised LVIA was been produced in response to these objections and concerns. Although the applicant has withdrawn the indicative masterplan, the LVIA appears to continue to use this as a basis for the assessment. The applicant has chosen not to seek to mitigate the impact of the development by reducing building heights and built form. The new LVIA employs a mitigation strategy which is primarily focussed on screening the development.
- 7.93 The revised LVIA includes an indicative landscape masterplan and landscaping details which has been prepared to illustrate how the landscape and visual impact of the development of the site can be mitigated and this mitigation has itself informed the conclusions of the LVIA. The indicative landscape masterplan is supplemented by material outlining the landscape approach, phasing plan and a detailed ‘phase 1’ planting specification. The material illustrates tree and shrub planting around development blocks and boundary planting along Castle Howard Road and within the 30-50 metre landscape buffer along the western edge of the site. Within this area, the landscaping plans indicate that some of the planting will be set on a landscape bund which the landscape architect has confirmed ranges in height from 2 -4 metres in a north to south direction. The landscape masterplan also includes a detailed sample planting schedule which includes the use of standard, feathered and whip trees as well as shrubs. The applicant has confirmed that landscaping will be phased along with the phased development of the site and that structural planting along the western and southern (Castle Howard Road) boundaries would represent the first phase of work on the site.
- 7.94 The conclusions of the Landscape and Visual Impact Assessment are reported in the new Environmental Statement. The Environmental Statement concludes:
- the overall residual impact of the proposal to be a ‘minor adverse’ impact, taking account of landscape mitigation
  - that only limited views of the site are identified from within the AONB which limits the lasting impact on the wider landscape setting of the AONB and;
  - that the overall magnitude of the impact on views of receptors such as pedestrians and motorists is reduced by virtue of the fact that views are glimpsed, limited by existing vegetation and as existing development is already visible

- 7.95 In terms of landscape character the Environmental Statement does not consider the loss of arable fields or internal hedgerows to be significant. It considers the element of the landscape resource which is of high value to be the boundary vegetation to the site which, it notes, will be retained as part of the proposals. The Environmental Statement confirms that the LVIA identifies opportunities for the development to reinforce key landscape characteristics including:
- Creating, extending and linking woodlands
  - Restoring hedgerows and hedgerow trees and infield trees
  - Screening existing and future development
  - Maintaining the contrast between the wooded scarp slope and the open dip slope
  - Restore and enhance wetlands
  - Opportunities for enhancing the A64 corridor
- 7.96 In terms of visual impact, the Environmental Statement concludes that there are predominantly adverse and moderate impacts for key receptors (walkers, motorists and residents of nearby properties) during the construction phases which will be reduced and mitigated by primary mitigation measures that include:
- Retention and enhancement of all existing boundary tree belts and hedgrows
  - Internal landscape infrastructure to integrate the built element into the valley side
  - Implementation of phase 1 planting infrastructure (including advanced stock trees) to the western and southern boundaries
  - Implementation of feathered trees within native structure planting to create a naturalistic appearance and maximise the chances of successful establishment in the operational phase
  - Quality and mix of architectural elements to create a mosaic of built form
- 7.97 As a secondary mitigation measure, the Environmental Statement confirms that the applicant is willing to agree the scope of a five year landscape management plan to ensure the longevity of the existing and proposed landscape infrastructure and maintain landscape quality.
- 7.98 Notwithstanding the fact that officers consider a five year management plan to be inadequate for a scheme of such a scale (and for one which is so dependent on landscape mitigation measures). Officers do not share the conclusions of the Environmental Statement and are concerned that it underestimates the environmental effects of the proposed development in relation to landscape and visual impact.
- 7.99 The LVIA which has informed the Environmental Statement and forms part of it provides no detailed assessment of the effect of the proposal on landscape character and it provides no consideration of the landscape impact associated with wider views of the site, despite the fact that the site occupies an elevated position in the landscape. The LVIA focuses on the visual effects of the proposed scheme although it provides very limited explanation of how conclusions have been arrived at. The assessment of visual effects appears to assess the effects associated with proposed buildings on the site as opposed to the scheme as a whole, including the visual effect of buildings, together with the proposed landscape mitigation. The LVIA is appended to this report and photomontages are available to view on the website. Whilst it is not the role of this report to rebut its conclusions at length, officers are seriously concerned about the accuracy of its findings. On a more specific point, it is also unclear if the Landscape and Visual Impact and Proposed Landscape Mitigation have taken into account the easement required (in total 10m) for the water pipe which exits the western boundary of the site.

- 7.100 Currently, the western edge of Malton, of which the site forms part, is a high quality area of countryside and an attractive approach to the town. The landscape sensitivity of the site is recognised in the Special Qualities Study of Ryedale's Market Towns which was produced in 2010 to identify landscape sensitivities around the Towns to inform the preparation of the Local Plan. The study notes that the area forms an attractive approach into Malton which is visible from footpaths and by car users and highlights concerns over the impact development may have in terms of the impact on the skyline and the current attractive rural approach into the town.
- 7.101 The main natural landscape features and qualities which contribute to the quality and diversity of the landscape on this side of the town include:- The large proportion and variety of mature trees which line the private drive to 'Uplands' and the rear of other properties which form the eastern edge of the town; trees aligning Castle Howard Road; open fields and hedgerows, together with distance panoramic views of the Wolds, Vale of Pickering and the North York Moors. These natural landscape features together with the low density/scale of development which marks the end of the built up area mean that the existing settlement edge is of low visual prominence. This not only belies the scale and presence of Malton beyond but contributes significantly to the natural beauty and attractiveness of this edge to the town.
- 7.102 It is considered that the landscape features and qualities of the site are also typical of the landscape character of the wider area. The site lies within the Howardian Hills National Character Area defined by Natural England. The key landscape characteristics of the area included in Natural England's Character Area Profile (29) include: complex landform of ridges, plateaux, hills and valleys with prominent scarps on the outermost edges; arable fields/ cropping; fields bounded by hedges and strong visual links to other landscape character areas, including the Vale of Pickering and the Moors. In addition, the North Yorkshire and York Landscape Character Assessment includes the site within the same landscape character area as the nearby part of the AONB. It characterises the area as Limestone Ridge and includes panoramic views and woodland on steep escarpments as key landscape characteristics of the area. This character assessment recognises the high visual sensitivity of the area and inter-visibility with adjacent landscape character types which are sensitive to the introduction of tall vertical structures.
- 7.103 Although the site is not covered by any formal landscape designation or protection policy, it has intrinsic landscape qualities and contributes to the natural beauty of the countryside in this area. It forms part of an area of landscape which, in view of its landscape features and prominent elevated position is very sensitive to change. In this respect, it is considered that development of the site per se would result in harm to landscape character. Intrinsic features such as fields and hedges would be lost and development would urbanise land which is currently open countryside, to the detriment of the natural beauty of the site and locality.
- 7.104 Moreover, it is considered that the LVIA illustrates that the applicant's preferred approach to the development of the site (together with the accompanying landscape mitigation) would have an intensified adverse effect on the landscape character of the area. The character of the area and the setting of the AONB would change from being the edge of the Town to an area which would appear more akin to an urban centre. This would be harmful to the existing rural approach to the Town and the transition between the town and the countryside beyond (including the AONB) would be eroded. It is considered that this change in landscape character will harm the special qualities of the AONB as experienced by users. The sense of experiencing the countryside by 'escaping' the built up area would be diminished, particularly in summer when the edge of Malton is not immediately apparent and arguably when routes into and around the AONB are most regularly used.

- 7.105 Officers are also concerned that the proposed landscaping will, in itself, be harmful to local landscape character. This is despite the fact that woodland planting is itself a characteristic feature of the Howardian Hills Landscape Character Area, although this is less so on the dip slopes of this landscape character area. The LVIA illustrates that the height and vertical emphasis of the proposed planting and building will interfere with existing intervisibility between landscapes and will block the open and panoramic views of the Wolds, Vale of Pickering and the North York Moors which are integral to the landscape character of the site.
- 7.106 In addition, the existing character and beauty of the site and the surrounding area is formed through a variety of landscape features, including fields, trees, hedges and buildings which provide a diversity through a mosaic of colour, texture, height and depth to the landscape. It is considered that the proposed planting appears to introduce an abrupt monolithic 'wall' of planting which would be detrimental to the existing landscape character of the edge of the Town and setting of the AONB.
- 7.107 Changes in landscape character will have consequential adverse visual effects and it is considered that the LVIA demonstrates that the development would significantly affect views from surrounding footpaths and public spaces. Notwithstanding the general diminution of natural beauty, the landscape planting and building mass will curtail distant views across the site, including views into and out of the AONB and that the scheme itself will introduce a dominant visual mass into the landscape. From a number of viewpoints, the LVIA demonstrates that proposed landscaping creates a skyline which would be broken by taller elements of the (preferred) scheme, reinforcing their visual prominence. The LVIA also illustrates that the scale and nature of the proposed landscaping also serves to reinforce some of the existing negative elements within the landscape. For example, from the AONB, the landscaping acts as a 'backdrop' which visually emphasises the A64 and the pylon corridor.
- 7.108 Both Natural England and the AONB Manager maintain objections to the application. The latest responses from both of consultees are outlined in full below. (*nb : The viewpoints from the LVIA referred to in this correspondence are as follows: Viewpoint 4 = from the bridleway as it nears the entrance to the plantations/AONB; Viewpoint 7= from the public footpath within the AONB running from Braygate Street to Broughton; Viewpoint 9= The start of the public footpath (to Broughton) at Braygate Street; Viewpoint 10= from the public footpath along Maiden Greve balk, within the 'plantations' and the AONB and to the west of the A64).*
- 7.109 The response of the AONB manager is as follows:
- "I have the following observations to make in relation to the revised LVIA and photomontages:*
- 1. It was my understanding that the Masterplan had been withdrawn, but the photomontages are clearly using the same layout of building heights/styles/locations. I appreciate that some representation of building heights and layout is necessary in order to assess the impact of the proposed development, but I hadn't expected to see what is in essence the same Masterplan being used to do this.*
  - 2. Having said that, the grey Masterplan profile continues to indicate the unacceptable visual impact that the built elements of this scheme would have on the AONB and its setting. In my last response I was critical of the composition of the photomontage from Viewpoint 7 and I note the position of the tower as now shown.*

3. *I note that the landscape planting belt on the west side of the application site is now placed on a bund and that the photomontages run through to Year 15. Whilst this is undoubtedly designed to show that the proposed development can be screened with natural vegetation in due course, it only serves to highlight how landscaping can itself have an adverse visual impact*
4. *The photomontages continue to demonstrate how the proposed development will cut the AONB off from its wider landscape context. One of the features of the Howardian Hills, which is recognised in both the cited Special Qualities and the Landscape Management Objectives for this North Ridge character area of the AONB, is the wide-ranging views. In this location they are across the Vale of Pickering to the North York Moors to the north, but particularly south and east to the Wolds. The impression of being ‘at the end of a ridge’, with open views to the Wolds particularly, characterises the setting of the AONB at this point.*

*The various iterations of the visualisations have shown that the AONB would be cut off from its landscape setting by either the near continuous skyline of houses higher than two storeys or by a ‘green wall’ of treeplanting. Neither is within landscape character for this part of the AONB setting, which is characterised by broken tree belts, individual trees, glimpses of low buildings and a wide open skyscape.*

5. *Such a dense tree belt would also exacerbate the intrusive elements that are already present within the landscape at this point but which are currently mitigated by the open nature of the landscape – the 133KV powerlines pylons and the A64. Creating a ‘green wall’ would bounce more traffic noise into the AONB, impacting further on the users of the popular Rights of Way network to the west, whilst the pylons would become more intrusive because their backdrop would be trees rather than open sky.*
6. *My overall conclusion therefore continues to be that a development incorporating buildings of the height indicated cannot be adequately incorporated into the landscape at this point without having a **significant adverse visual impact on the AONB and its setting**. The impact of buildings taller than 2 storeys, which with the apparent retention of the Masterplan we must assume will continue to be distributed in such a way as to present a continuous skyline, will be apparent during the winter. When the trees are in leaf during the summer the built skyline will be replaced by a solid belt of greenery, which itself will then cut off wider landscape views. My comments above relate to views from the AONB looking south/eastwards, but as indicated in previous responses the development would also cut off any views from Malton out into the AONB to the west and this impact should not be discounted.*

*Taking into account the points discussed above, the **Objection** lodged in my letter of 30th July 2014 is maintained. The various iterations of the photomontages indicate that built development of the nature that continues to be proposed cannot be adequately mitigated, even by substantial treeplanting, to the extent that either it or the treeplanting itself wouldn’t have a major adverse visual impact on the AONB and its setting”.*

7.110 The response for Natural England is as follows:

*“Natural England has assessed the revised Landscape and Visual Impact Assessment. However, we consider that the information submitted is insufficient to demonstrate that there will not be a significant impact on the purposes of the designation of the Howardian Hills AONB. As stated in our previous response, the development will significantly affect the landscape character in the setting of the AONB, The view towards Malton will become dominated by urban edge, especially during the winter when landscape planting is not in leaf.*



*Although we acknowledge that winter views have now been provided from a number of the viewpoints, these only show the current view and the extent to which the urban edge of the development will remain visible through the landscape planting during winter remains unclear.*

*The revised photomontages suggest that the landscape planting will attain a greater height than was indicated in the initial images. However, it is not clear whether this is due to differences in the modelling technique or revised planting proposals. As previously stated, both the built form and the landscape planting will significantly affect the landscape character in the setting of the AONB by foreshortening the view from a number of viewpoints, both within the AONB and along its boundary, as is clearly shown in drawing No.PM10-13, the photomontage from Viewpoint 10 in year 15 (Phase 13). We also advised that a number of locations between viewpoints 4,7 and 9 afford views of the site, but no additional viewpoints appear to have been added in the revised LVIA. The applicant does not appear to have considered the option of reducing the height of buildings in order to mitigate for the landscape impact. We are therefore not able to remove our objection to this proposal.”*

- 7.111 Officers are of the opinion that the LVIA does demonstrate that the applicants preferred form of development, as articulated in the Design and Access Statement would have an unacceptable landscape and visual impact. The LVIA is integral to the Environmental Statement. The Environmental Statement and LVIA have not demonstrated that the site can be developed for the development applied for without an unacceptable landscape and visual impact and without harm to the statutory purposes of the AONB.
- 7.112 It could be argued that as the application is in outline form, the site could be developed in a different way with reduced landscape effect. Whilst this may be the case, Members are reminded that this is EIA development and it is entirely appropriate that the application is determined against information contained within and as part of the Environmental Statement which the applicant has provided in support of the scheme. Officers are of the view that the ES, (including the LVIA and proposed landscape mitigation proposals) demonstrate that the proposed development, including the proposed landscape mitigation, will result in a significant adverse impact on the nationally protected landscape.
- 7.113 Given the statutory duty on this Authority to have regard to the purposes of the AONB designation, this is a fundamental issue and matter of concern with the application which weighs significantly against the scheme.

#### Accessibility, Transport and Highways

- 7.114 It is an objective of the Ryedale Plan to focus development at settlements such as Malton in order to enhance accessibility to local services and to help to promote the use of public transport, walking and cycling. A further objective seeks to ensure that new development is delivered alongside necessary transport infrastructure. Policy SP10 (Physical Infrastructure) provides the basis for securing the transport improvements necessary to accommodate development proposals. Policy SP22 (Planning Obligations, Developer Contributions and CIL) makes it clear the developer contributions will be sought which are necessary to mitigate the impact of development.
- 7.115 The National Planning Policy Framework (NPPF) establishes the need to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable as a Core Planning Principle.

- 7.116 Paragraph 34 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Assessment. (Similarly, paragraph 36 also requires all development which generate significant amounts of movement to provide a Travel Plan.) The NPPF advises that planning decisions should take account of the opportunities to take up sustainable transport modes; safe and suitable access for all people can be achieved and; that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. National Policy makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.117 A Transport Assessment has been prepared to accompany the application. It considers site access; the impact of the proposed development on the surrounding transport network; the accessibility of the site and the impact of traffic generated by the development on the Area of Outstanding Natural Beauty. A Framework Travel Plan has also been prepared and suggests a range of targets and measures to help to encourage changes in travel patterns.

### Accessibility

- 7.118 The site is generally well located to support access to existing services and facilities by pedestrians. The supporting Transport Assessment recognises that the Government's publication 'Manual for Streets' identifies a walkable neighbourhood as one with a range of facilities within a ten minute (800m) walking distance. Malton School and the Hospital fall within this distance as would the neighbourhood facilities and additional primary school provision proposed as part of the scheme. Although the majority of the developable area of the site is outside of this walking distance, all of the facilities at the town centre and the existing primary schools are located within preferred maximum walking distances identified by the Institute of Highways and Transport.
- 7.119 Although pedestrian routes to the Town Centre via Middlecave Road and Castle Howard Road are on an incline, it is not considered that the gradient is so steep as to prevent journeys on foot for many individuals. In addition, the site abuts the existing built up area and the age and appearance of buildings on route to the Town Centre serve to reinforce a perception that the town centre is in relative close proximity and in walking distance.
- 7.120 North Yorkshire County Council has confirmed that footway improvements will be required on both Castle Howard and Middlecave Roads. The applicant's transport assessment acknowledges that the width of the footway on Castle Howard Road will need to be increased in parts in order to meet the Highway Authority's standard. Between the site and the town, this footway is aligned with a number of mature trees, some of which are protected. The position of the trees will restrict the ability to achieve a continuous 2m footway width along this length of footway without potential damage to existing trees. Given that a significant stretch of this footway is within the Malton Conservation Area, it is considered that footway improvements would need to be undertaken in such a way as to include 'pinch points' in the width of the footpath at the locations of existing trees where this is necessary.
- 7.121 Widening of footway along Castle Howard Road between the site and Yorkersgate will encroach on some of the existing verges which are a significant element of the character of this part of the Conservation Area. However, it is considered that given the current width of the verges and the relatively limited additional width of footway required this is would not be detrimental to the character and appearance of the Conservation Area. It has been agreed with the Highway Authority that rather than widen the existing footway on Castle Howard Road from the eastern end of the site to the A64 footbridge, that an appropriate pedestrian route is provided within the site.

- 7.122 The Highway Authority is also of the view that in order to facilitate walking to and from the site and to ensure pedestrian safety, a footway would need to be installed along the southern side of Middlecave Road between the site and Hospital Road. A comment has been made that a limited section of land to the front of properties 77-85 Middlecave Road is in private ownership and that a continuous footway could not be achieved. The Highway Authority is of the view that (according to its records) all of the land required to install the footway is within the Highway and in view of this ownership of the land is not relevant. The Highway Authority is aware of an existing obstruction to the highway in the form of two low walls to the front of properties 77-85 Middlecave Road and that it would need to take action to have these removed.
- 7.123 The applicant has also proposed further pedestrian improvements in the Transport Assessment. These include the provision of dropped kerbs and tactile paving on both footways to Castle Howard Drive and on the Horsemarket Road slip road. The Highway Authority has confirmed that it would expect these and the improvements outlined above to be conditioned as part of any approval of the scheme.
- 7.124 A range of facilities and sources of employment are within cycling distance of the site. The applicant has proposed additional directional cycle signage and the travel plan confirms that it is the applicants intention to provide dual pedestrian and cycling facilities within the scheme. It is considered that if Members are minded to approve the scheme, that these should be designed in such a way as to enable cyclists to cross between Castle Howard and Middlecave Roads and to ensure that cyclists are able to cycle the length of the site as it fronts Castle Howard Road and to be able to enter and exit the site at either end of the Castle Howard Road frontage.
- 7.125 Some comments/objections have made the point that the scheme should be making a more direct contribution to cycling by contributing to and/or providing cycle lanes on the main routes into the town or into the surrounding countryside. The Highways Authority has not sought these improvements as it considers that it would not be possible to achieve cycle lanes from the site to the Town to the appropriate standard within the existing highway network.
- 7.126 Cycle paths within the site would assist in providing safe routes towards the countryside from the existing built up area and the site is adjacent to a public bridleway at the end of Middlecave Road which can be used for recreational access to the countryside.
- 7.127 In terms of access to public transport, the site is accessible to the railway station and Coastliner bus service which provide access to destinations including York, Scarborough and Leeds, as an alternative to the car. The Travel Plan also confirms that a bus service between Castle Howard and Malton operates informal stops on Castle Howard Road and that the hourly service between the Town Centre and the Hospital also stops approximately 500m to the east of the site.
- 7.128 The Highway Authority has recommended that a contribution of £100,000 per annum should be secured by way of a Section 106 agreement in order to enhance the existing bus service provision on Castle Howard Road and the extension of the Town Centre circular service to the site for a five year period. It has stated that it should be a condition of any approval for the applicant to provide bus stops on Castle Howard Road, adjacent to the site. The Authority has also made it clear that detailed access arrangements to the site will also need to be designed to allow for the possible re routing of bus services to serve the site via Castle Howard Road.

- 7.129 A comment has been made that improvements to existing local bus services will not be of benefit to commuters or help to reduce commuter traffic generated by the proposed development. Whilst this may be the case for people working outside of Malton and Norton, it is considered that the existing bus routes do provide an important service for those people who may not have access to a car or who may be dependent on others to get access to town centre facilities and /or the hospital.
- 7.130 The applicant's Framework Travel Plan includes a number of measures to support travel by alternative means to the private car including the appointment of a travel co-ordinator to provide information to future residents on, for example car sharing schemes. The Highway Authority has confirmed that any approval of the scheme should be conditional on a detailed Travel Plan being agreed prior to any element of the development being brought into use.

#### Site Access

- 7.131 Site specific access details were originally submitted as part of the application but were subsequently reserved following confirmation that the applicant was to make land available for additional primary school provision opposite the site and in the vicinity of the site access. This made it difficult to assess the suitability of the site access without an understanding of the implications of and for access to the school land.
- 7.132 Although site access is a reserved matter, the applicant is required to indicate how access to the site could be achieved. The Transport Assessment and revised Design and Access Statement illustrate that it is intended that the primary access to the site is to be achieved by way of a roundabout on Castle Howard Road, towards the eastern end of the site with a secondary access - a priority T junction further to the west along Castle Howard Road. A priority T junction is indicated for Middlecave Road in the position of the existing field gate to the east of the veterinary surgery.
- 7.133 The Highway Authority has confirmed that although the initial proposals for access details no longer form part of the application, it is satisfied that in principle, given the site frontage available, the existing road layout and predicted traffic volumes on Castle Howard Road and Middlecave Road, appropriate accesses can be formed. It has also confirmed that detailed design of any site access would need to be subject to a road safety audit before detailed designs could be accepted. The Highway Authority has also made it clear that access arrangements will be required to cater for pedestrians and cyclists and designed so as not to prevent such links being provided at a later date to the potential school site.

#### Impact of vehicular traffic on the road network

- 7.134 The Transport Assessment which accompanies the application predicts that the development will generate a total of 310 vehicular trips in the am peak and 320 trips in the pm peak. The Highway Authority has confirmed that the scope of the network covered by the Transport Assessment is supported and that it considers the trip generation used to be robust.
- 7.135 The applicant is proposing to restrict the volume of traffic using Middlecave Road to 10% of the site in response, it is understood, to initial discussions with the Highway Authority over the suitability of Middlecave Road to accommodate potential traffic arising from the scheme. In addition, the Transport Assessment proposes some limited carriageway widening at points along Castle Howard Road in order for Highway Authority standards to be achieved. A mini roundabout at the York Road/ Castle Howard Road junction is also proposed in order to assist vehicular movement at this junction.

- 7.136 The Highway Authority has noted that a baseline assessment of the road adjacent road network has been carried out as part of the Transport Assessment and which takes account of committed developments and traffic growth along with the predicted development traffic to allow junction modelling. The Highway Authority is of the view that this has demonstrated that the development traffic can be accommodated on the surrounding road network with the improvements and mitigation measures proposed. These include those measures in the Transport Assessment together with a developer contribution of £245,000 towards the implementation of a scheme to restrict and monitor HGV movement at Butcher Corner in order to release some additional capacity at that junction.
- 7.137 The Highway Authority has also recommended that all B2 development on the site should only be accessible from Castle Howard Road in order to limit the possible number of HGV movements along Middlecave Road. In addition it has stated that an appropriate design of the internal layout of the site will be required that prevents vehicular access through the site. It is considered that these are matters which could be addressed by way of a condition if Members resolve to approve the application.
- 7.138 A number of specific comments have been made which relate to the impact that the development would have on the surrounding road network. Members should also be aware that the Highway Authority has responded directly to a number of queries raised by the West Malton Residents Group in response to the Transport Assessment and the Highway Authorities consultation response to the application.
- 7.139 Objections have been raised to the fact that the Transport Assessment does not fully assess the impact of the proposed development at Butcher Corner and the implications for queuing at this junction. Butcher Corner is a junction in the central road network which operates above capacity in peak periods. This is known to the Highway Authority. Other junctions within the central road network operate below capacity during these periods. An important role of the Transport Assessment is to identify whether a development is likely to lead to a junction operating over capacity and it is for this reason that the Transport Assessment focussed junction modelling at other junctions. Nevertheless, the Transport Assessment does predict the increase in the number of vehicular movements using Butcher Corner in the am and pm peaks and it is this information that the Highway Authority has used to consider the impact at Butcher Corner.
- 7.140 The Transport Assessment indicates that the development will put an additional 66 trips into the Butcher Corner junction in the afternoon peak period and 64 in the morning peak. This represents 4.6%/4.7% of the 2014 baseline and committed development/ future years traffic through the junction.
- 7.141 Historically this Council has negotiated Section 106 contributions from development towards the Brambling Fields junction improvement to help mitigate the impact of increased traffic at Butcher Corner. Due to pooling restrictions under the Community Infrastructure levy legislation, contributions can no longer be sought for this purpose. In order to ensure that the proposed development can mitigate, or mitigate in part its impact at Butcher Corner, the Highway Authority has suggested that the developer contributes to the implementation of HGV restrictions through Butcher Corner. This would release capacity at the junction which the development traffic would be 'offset' against. This is a concept known as 'trip banking'. The Highway Authority has made it clear that if Members are minded to grant permission for the scheme that this should be subject to the developer making a contribution of £245,000 towards the implementation of this scheme.

- 7.142 The West Malton residents group has objected to this and takes the view that the Council cannot secure contributions for schemes for which there is already a committed source of funding. The HGV restrictions at Butcher Comer are one of the package of complimentary measures associated with the Brambling Fields project. Notwithstanding this, Officers are of the view that there is not reason why the scheme cannot be funded by way of a developer contribution in advance of its implementation by the Highway Authority where it the need to mitigate the impact of a development can be demonstrated.
- 7.143 The applicant has confirmed that traffic count data used for the Transport Assessment, has shown that 75 HGV's use the junction in the am peak and 18 HGV's in the pm peak. One HGV equates to 2.3 passenger car units (pcu's). As such, the removal of HGV's in the am peak would equate to 173 pcu's and in the pm peak 42 pcu's. On this basis the scheme would mitigate the impact of the development in the morning peak almost threefold and in the evening peak by 64%. Overall, across both peak periods, the mitigation measure would remove almost twice as many pcu's as would be added to the junction.
- 7.144 Clearly this information is based on one set of count data and the Highway Authority has also considered the effect of the scheme against count data that it holds for HGV movements at Butcher Comer in 2012 and 2013. This highlights circa 500 HGV movements during a 12 hour period. The authority consider it safe to assume (based on peak hour flows being approximately 10% of a total daily flow) 50 HGV's in the am peak period which would (at 2.3 pcu's per HGV) account for the traffic the development would put into Butcher Comer.
- 7.145 On this basis, it is considered that the proposed 'trip banking' mitigation measure will mitigate the impact of the development at Butcher corner in the am peak and will significantly reduce the impact of the development traffic at Butcher Comer in the pm peak.
- 7.146 Some objections have been received on the basis that the Transport Assessment relies on information contained in the Strategic Transport Assessment (STA) which this Council commissioned in order to inform choices on the scale and distribution of development in the Development Plan. Members are reminded that the STA was commissioned to inform strategic policy choices. It was not the role of the document to replace site specific transport assessments or to identify site specific preferences.
- 7.147 A number of objections to the application have been received on the basis that there is no provision for a new junction on the A64 or for a link road between Castle Howard Road and York Road. Members should note that the Town Council's support for the application is contingent, in part upon the latter being provided. (A copy of the Town Council's consultation response is appended to this report)
- 7.148 Members are aware that the Council cannot seek or secure contributions for infrastructure improvements which are not necessary to mitigate the impact of a development. The Transport Assessment does not demonstrate that either of these infrastructure projects are necessary in order for the development to be accommodated and on that basis they cannot be secured or sought. In responding to a query from North Yorkshire County Education, the applicant has confirmed that the gap between the existing allotments and the proposed school site, has been left to provide a route to York Road should this be required in the future (although it should be noted that the route of a potential future road link has not been agreed with the Highway Authority)
- 7.149 Objections to the scheme have also been made on the basis that the traffic implications of a new school on Castle Howard Road have not been addressed. Members will be aware that although land for additional primary school provision at Castle Howard Road has been offered by the developer, a new primary school itself does not form part of this application.

This would be the subject of a separate future planning application which would be made and considered by North Yorkshire County Council. The detailed traffic implications of a new school will be very much dependant on the nature of new provision. This is not something that can be confirmed until the Education Authority has consulted on options. A planning application for the school site would be accompanied by its own Transport Assessment and Travel Plan.

- 7.150 The West Malton Residents Group has also raised some concerns over the reliability of traffic survey data used in the initial transport assessment. The group has undertaken its own traffic survey and has expressed some concerns over the differences between its data and that gathered by the applicant.
- 7.151 The applicant has included the residents group's survey data within the Transport Assessment, alongside their own and other sources of data. The assessment has concluded that variation between data sources is to be expected given daily variation in traffic flows and that the applicants data is within a reasonable variance of other flows. This has been agreed by County Highways. It should also be noted that NYCC Highways has provided a response to the group on this as well as a number of other transport related issues which have been raised in response to the application.
- 7.152 Increases in traffic from the development and along Castle Howard Road has the potential to impact upon the Howardian Hills Area of Outstanding Natural Beauty (AONB). The Transport Assessment accompanying the application assumes that traffic leaving the site for York will head towards the A64 and this is considered to be a reasonable assumption. Using census data, the assessment assumes that the proposed development will result in 13, 2 way movements in the am peak through the AONB and 14, 2 way movements in the pm peak. It is considered that these trips do not represent a significant flow of additional traffic into the AONB ( less than one vehicle every four minutes) in the peak periods and that flows will be less during other parts of the day. It is considered that the proposed development would not result in traffic flows which would be detrimental to the AONB and it should be noted that the AONB manager and Natural England have not objected to the scheme on this basis.

#### Air Quality

- 7.153 Policy SP17 (Managing Air Quality, Land and Water Resources) seeks to protect and improve air quality through a range of measures. Under Policy SP17, development would only be permitted where the individual or cumulative impact on air quality is acceptable and appropriate mitigation measures are secured. Specifically, development proposals within or adjoining the Malton Air Quality Management Area are required to demonstrate how effects on air quality will be mitigated and further human exposure to poor air quality reduced. The policy requires all development proposals within or near to the Air Quality Management Area which are likely to impact upon air quality to be accompanied by an Air Quality Assessment.
- 7.154 The policy is consistent with paragraph 124 of the National Planning Policy Framework which states that local plan policies should sustain compliance with and contribute towards European Union limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites in local areas. It goes on to state that planning decisions should ensure that any new development in AQMA's is consistent with the local air quality action plan.

- 7.155 Members will be aware that Ryedale has declared an Air Quality Management Area at Malton which is focussed around the central road network (Wheelgate - Yorkersgate - Butcher Corner - Castlegate). An Air Quality Action plan is in place which identifies a number of actions to achieve air quality objectives.
- 7.156 The applicant has prepared an Air Quality Assessment to support the application. An update to the document was also provided to reflect additional Transport Assessment work undertaken by the applicant. The Air Quality Assessment covers air quality issues arising from both the construction and operational phases.
- 7.157 Dust is identified as being the main air quality issue associated with the construction phase of the development. Following guidance established by the Institute of Air Quality Management, the assessment has concluded that risk to human health arising from construction related dust is low but that the sensitivity of the area to dust soiling is high. The assessment recommends that a site-specific Construction Environmental Management Plan (CEMP) is prepared. Officers are of the view that a suitable CEMP would ensure that appropriate mitigation measures are put in place to address dust soiling and the Council's Environmental Protection Officer (EPO) has recommended that if the development is permitted, that this should be subject to a condition to secure appropriate dust mitigation. It should be noted that the Air Quality Assessment appears to have overlooked the presence of the local Site of Importance for Nature Conservation ( the A64 embankment/cutting) which is adjacent to the site. Officers have discussed this matter with the Council's Countryside Officer who has confirmed that the CEMP would need to include measures to mitigate the effects of dust soiling on the adjacent SINC habitat. This is consistent with the applicant's ecological appraisal.
- 7.158 The assessment identifies vehicular emissions as the main air quality issue associated with the operational effect of the development. The assessment has been undertaken in accordance with guidance produced by Environmental Protection UK (EPUK) and with the use of dispersion modelling software to determine the impact of traffic related pollution concentrations (Nitrogen Dioxide (NO<sub>2</sub>) and particulate matter) at a range of identified sensitive receptors, including points within the AQMA. The methodology and modelling includes assumptions for improvements in vehicular emissions/ technology which are based on a toolkit produced by DEFRA.
- 7.159 The assessment covered a base year (2013); a 'do -minimum' scenario (ie without the proposed development) and a 'do something ' scenario (including the proposed development) for a future assessment year of 2019. It assumes that the entire development will be built and in use by 2019. Taking into account predicted impact and absolute concentrations at each receptor location ( there are 34 receptor locations in total included within that Air Quality Assessment Update), the assessment indicates that particulate matter impacts at all receptors will be 'negligible' and that NO<sub>2</sub> impacts would be 'negligible' to 'slight adverse' (at one receptor location).
- 7.160 Importantly, the assessment does not indicate that any air quality objective limits will be exceeded as a result of the additional traffic from the development, including within the AQMA.
- 7.161 It is clear from the assessment that predicted falls in pollution concentrations due to vehicular emission rates and background pollution concentrations are a factor in the assessment of predicted impacts. It should be noted however that a sensitivity test has also been undertaken as part of the assessment which assumes no improvements in vehicular emission factors between 2016 and 2019.



This reveals that the annual mean NO2 air quality objective would be exceeded as a result of the additional traffic from the development at one location (Yorkersgate) if improvements in vehicular emissions were not realised. Notwithstanding this, the applicant considers the methodology applied to be robust as the assessment assumes the entire development will be operational by 2019. It is considered to be a cautious approach as the build out period for the development is anticipated to cover a much longer time period over which vehicle emissions are likely to continue to decline.

- 7.162 The Council's Environmental Protection Officer has considered the applicants Air Quality Assessment in detail and has also considered its results/conclusions against recent updates to the EPUK methodology. The EPO has concluded that he considers that the assessment is sufficiently robust to inform a judgement of the overall impact on air quality and that furthermore, he considers that a cautious approach to the assessment has been undertaken. The EHO has noted that the development will not result in new exposures to poor air quality within the development site itself or within the Malton AQMA and that the proposed development would not prevent implementation of the Malton Air Quality Action Plan.
- 7.163 Notwithstanding this, the development will result in additional traffic and as the air quality assessment builds in assumptions for improvements in vehicular technology,( including the growth in the use of low and zero emission vehicles) the EPO has suggested that any approval of the development should be subject to conditions to secure specific Travel Plan measures to encourage alternatives to single-occupancy car use and electric vehicle charging points. (One point per residential dwelling with dedicated off-street parking and one charging point per 10% of undedicated spaces). The applicant has indicated that they are willing to provide electric charging points and infrastructure within the development.
- 7.164 The Air Quality Assessment and response of the EPO have generated a number of specific and detailed objections to the scheme from the West Malton Residents Group and also another member of the public. The concerns relate to a number of elements of the methodology, including concerns that predicted vehicle emission improvements have been overestimated and that the proposed HGV restrictions have not been factored into the assessment. These letters of objection are available for Members to view on the public website. The Air Quality consultants acting for the applicant have taken the opportunity to respond in detail to these comments and given that this is a matter which has raised specific and very detailed concerns, the applicants' response is appended to this report. The EPO has considered the further objections and the applicants' response and remains of the view that the proposed development would not prevent the implementation of the Malton Air Quality Action Plan.
- 7.165 In the light of this expert opinion , it is considered that the proposed development would comply with national and local policy in relation to air quality.

#### Social Infrastructure

- 7.166 Policies SP10 (Physical Infrastructure) and SP11 (Community Facilities and Services) aim to secure improvements to social infrastructure, including education, health, open space and recreational facilities which are necessary as a result of new development.

#### Education

- 7.167 North Yorkshire County Council has confirmed that the two existing primary schools in Malton would not have sufficient capacity on their existing sites to accommodate the additional pupils generated by the level of housing proposed.

It has confirmed that there is a requirement for additional land for education purposes and have advised that without adequate provision for additional school places it would be unable to support the application. In addition, the education authority has confirmed that it is also seeking financial contributions towards the delivery of additional primary and secondary education based on their cost per school place multiplier. Without taking into account purpose built residential units for the elderly this equates to financial contributions of £1,495,560 and £775,192.60 for primary and secondary provision respectively (based on a scheme of a maximum of 500 units).

- 7.168 The applicant has confirmed that it will make financial contributions towards primary and secondary provision. In addition, the applicant has confirmed that it will make 1.5 ha of land in its ownership available for educational purposes. The site is land to the south of Castle Howard Road and to the west of the existing allotments. The County Council has confirmed that in principle the location, size and orientation of the land would be acceptable for their purposes. The applicant's Viability Appraisal assumes that the land value for the educational land will be deducted from the financial education contributions. NYCC's response to this is awaited. Members will be updated at the meeting.
- 7.169 Subject to NYCC's response, it is possible that the impact of the proposed development on primary school capacity can be mitigated. The provision of the educational land is a benefit of the scheme on the basis that provides the ability to address some further demand for additional school places into the future should this arise.

#### Health and Emergency Services

- 7.170 A number of objections have been made on the basis that existing health provision, most notably GP services are at capacity and that the additional demand arising from the development can not be accommodated or could not be accommodated without a worsening in health services for the existing community. Similarly some objections raise concerns with the capacity of emergency services to cope with an increased population.
- 7.171 The development plan does not identify a requirement for additional space for health provision at Malton and Norton based on the planned level of housing for the Principal Town. Officers are not aware of a need for additional space for health or emergency services in Malton. Notwithstanding this, the applicant has stated that within the description of the development applied for, space could be provided to accommodate some health services if demand for this has arisen.
- 7.172 It should also be noted that access to GP services and the capacity of emergency services can be a function of many factors. For example, the recruitment and retention of GP's is reported as being a national issue for health services. The management of health and emergency services is not something that the planning process can directly influence and improvements to these services which arise as a result of a growing have the ability to be addressed through specific funding mechanisms. Formal objections to the application have not been received from health providers or from any of the emergency services. It is considered that refusal of planning permission on the basis of the capacity of these services could not be justified.
- 7.173 Members should be aware that in support of the scheme, the applicant has provided a copy of a letter from the Scarborough and Ryedale Clinical Commissioning Group (CCG). The CCG has confirmed that the letter contains generic information to interested parties on the ways in which new development considers the current and future needs of the population and is not designed to provide explicit support for the application.

Notwithstanding this, a number of the points made by the CCG - the provision of facilities that could be used as multi-purpose consulting space: homes suitable for adaptation: accessibility and the design of development to promote healthy lifestyles are all elements that the development has the potential to provide.

### Public Open Space

- 7.174 Policy SP11 of the Local Plan Strategy requires the provision of on-site informal amenity space and formal children's playspace.
- 7.175 Material supporting the application makes it clear that Green Infrastructure is integral to the design approach. The applicant has confirmed that the proposed linear village green is approximately 1.4ha in size and whilst the proposed perimeter areas of greenspace provide structural landscaping, it is understood that these will also be available for informal recreational activity. On this basis, it is considered that the proposal would provide a level of informal amenity greenspace which would exceed the on-site policy requirement calculated as 1.50 ha. In addition, the proposed development generates a requirement for a range of children's playspace with a minimum activity zone area of 0.36 ha and that this would include the provision of a Neighbourhood Area for Play as well as smaller facilities. The applicant has confirmed that children's playspace will be provided within the site.
- 7.176 Market Town amenity space is an open space typology which is currently lacking in Malton. The ability of the site to provide a village green type facility, together with the requirement to provide equipped areas for children's play would assist in addressing this deficiency and this is considered to be a significant benefit of the scheme. The applicant has confirmed that it is not the intention that the use of public open space on the site will be restricted.
- 7.177 The amount and type of open space on the site would be secured by way of a condition should members approve the application. In addition, it is also considered that the production of a strategy for the use and specification of public open space on the site should be a condition of any approval given the size of the site and the level of open space which is proposed to be provided.
- 7.178 The Design and Access Statement also confirms the applicant's intention to provide two areas for allotments within the scheme.
- 7.179 Policy SP11 is designed to operate alongside the Community Infrastructure Levy. The latter will be used to fund improvements to formal sport and recreational facilities overtime. However, it is considered that the application would contribute or has the potential to contribute to formal sport and recreation through:
- The provision of land for education which would include a playing field
  - Jogging and cycling routes within the site
  - The proposed community hall
- 7.180 It is considered that the information provided in support of the application demonstrates that the site is capable of delivering public open space which would address policy requirements.

### Noise

- 7.181 Policy SP20 ( Generic Development Management issues) requires developers to apply the highest recognised standards in relation to noise. The National Planning Policy Framework makes it clear that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

- 7.182 The noise standards or criteria that this Council seeks to apply are established through a British Standard and World Health Organisation for internal daytime and night-time noise, as well as the World Health Organisation criteria established for daytime external amenity area noise. The Council seek to ensure that these criteria are achieved with windows open.
- 7.183 The site is located adjacent to the A64 trunk road and Castle Howard Road and a noise assessment submitted with the application illustrates that the site is affected by road traffic noise primarily from these sources.
- 7.184 The noise assessment has used the (withdrawn) indicative masterplan/ the layout of the site as illustrated in the Design and Access Statement to model and predict noise levels across the site. It reveals that development and building massing around the perimeters of the site which are exposed to noise help to attenuate noise levels across the site.
- 7.185 Without development and building massing providing acoustic attenuation, the assessment makes it clear that predicated noise levels across the majority of the site would not meet the WHO outdoor noise criteria/standard. With building massing, outdoor noise standards can be achieved across much of the site with the exception of the outdoor areas which are located between the roads surrounding the site and the buildings proposed along the south, west and (to an extent) northern boundaries of the site.
- 7.186 The assessment demonstrates a similar pattern in relation to internal noise. With building massing in place, internal noise levels can be achieved within the majority of buildings on the site but that buildings on the south, west (and to an extent) northern boundaries cannot achieve night-time noise standards or daytime noise standards (with windows open).
- 7.187 The noise assessment identifies a number of mitigation options to provide acoustic screening across the site including layout, property design, orientation of buildings, internal layout and the use of walling or close boarded fencing to garden areas to help reduced noise levels at the most exposed boundaries and areas of the site. It states that the use of building massing at a distance of 50m from Castle Howard Road and Middlecave Road and at a distance of 75m from the A64 can reduce noise ingress into the remainder of the site to achieve the various noise criteria. It advises that any residential buildings used for this purpose will need to be single aspect with habitable rooms located on quieter facades and with any glazing on the noisiest facades serving non-sensitive rooms.
- 7.188 The assessment has concluded that the use of perimeter acoustic fencing to the site would not result in discernible noise reductions at first floor height or above.
- 7.189 In response to the assessment, the Environmental Health Officer raised concerns over the number of properties (based on the indicative layout) around the perimeter of the site which would be affected by noise and that the work had not demonstrated in sufficient detail that noise standards could be achieved. The applicant subsequently commissioned further illustrative design work using a 'sample cell' on the western perimeter of the site to illustrate how noise levels could be achieved through design mitigation options. The EHO however, remains concerned that this further detail has not demonstrated an ability to comply completely with noise standards and is of the view that the developable area of the site is more restricted than the applicant would wish, particularly without the benefit of perimeter acoustic screening.
- 7.190 The design led mitigation options suggested by the applicant's noise consultants may well enable noise levels to be achieved across the site. This will inevitably present a challenge for the overall design and layout of the site and the detailed design, orientation and internal layout of residential properties nearer to the edges of the site.

Officers have concerns that the work does not demonstrate that an acceptable design solution is achievable, particularly in view of the length of those sides of the site which are exposed to noise sources. However, Members are reminded that the application is in outline and the extent to which the design led mitigation options are acceptable is a matter to be determined through the consideration of reserved matters applications.

- 7.191 Notwithstanding this, in considering the application in outline form, it is important that the Local Planning Authority is confident that the proposed quantum of development is acceptable in principle. For this application, this means that the LPA needs to be satisfied that a maximum of 500 homes can be accommodated on the site.
- 7.192 In responding to the concerns of the EHO, the noise consultant for the applicant has confirmed that with design considerations and mitigation measures they are confident that the noise criteria required by the LPA can be achieved "without a significant loss in the overall number of residential units". There is an acceptance therefore, that a reduction in numbers from the proposed maximum of 500, will be required. This would appear to confirm the EHO's concerns that the developable area of the site is more restricted than the applicant would wish and confirms that the maximum number of units for which planning permission is sought cannot be delivered whilst achieving noise standards at all properties.
- 7.193 It could be argued that as the application proposes 'up to' 500 new homes, a condition could be applied to ensure that appropriate noise standards are achieved which would in turn establish the number of homes to be delivered on the site. However, Officers consider that it is not the role of a condition to establish the principle of the quantum of development on a site and the absence of information which demonstrates that the proposed maximum quantum of development can be accommodated on the site is of significant concern with the application as it currently stands.
- 7.194 If Members are minded to grant permission for the proposed development, it is considered that it would more difficult to resist subsequent reserved matters applications which demonstrate that noise standards can be achieved for a maximum of 500 homes but only through design details or increases in scale/height which may be considered to be inappropriate.
- 7.195 The noise assessment recognises that the mix of uses on the site have the potential to cause noise disturbance to the proposed residential units. Members are reminded that the application is in outline and that the location and juxtaposition of uses at a reserved matters stage will be an important way in which noise impacts would be mitigated. The assessment has indicated that acoustic fencing may also be required as part of detailed designs, in order to reduce noise. It is also considered that conditions to restrict hours of operation and deliveries would also be necessary to mitigate adverse impact on the amenity of future residents and existing neighbours of the site.

#### Residential amenity of neighbours

- 7.196 Policy SP20 (Generic Development Management Issues) seeks to ensure that new development will not have a material adverse impact on the amenity of neighbours or the wider community. The National Planning Policy Framework also makes it clear that it is a core principle of planning to seek to secure a good standard of amenity.
- 7.197 A significant proportion of objectors to the scheme have raised concerns that directly or indirectly through changes in the character of the area, the scheme will result in loss of amenity for residents of the neighbouring area.

Concerns include noise and disturbance associated with uses on the site; general increased activity and traffic in the local area; potential for loss of privacy and overlooking together with visual impact and change in outlook.

- 7.198 Members are reminded that the application is in outline form. It is considered that issues of privacy or overbearing effects on immediate neighbours (properties aligning the west of Castle Howard Drive; properties which align the private road to the property known as the Uplands and the property known as The Limes (number 1a) Castle Howard Drive) would could be avoided through the sensitive siting and design of buildings in future reserved matters applications. In addition, at the reserved matters stage, the appropriate siting of uses with the potential for noise generation will also ensure (together with conditions to control activity to manage noise) that immediate neighbours of the site are not subject to unacceptable levels of noise and disturbance.
- 7.199 The immediate neighbours of the site (and to a lesser extent the properties off Fitzwilliam Drive which face the open countryside) will experience a visual impact as a result of the development of the site. Whilst many of these properties are afforded views of open countryside including the application site and beyond, Members are aware that the loss of a private view is not in itself a material consideration to which weight can be applied. Notwithstanding this, the proximity of the site to immediate neighbours will affect their current outlook and has the potential to affect the residential amenity of the occupiers of these properties.
- 7.200 However, existing mature trees and hedging to the rear of the gardens of these properties together proposed landscaping of the application site will obscure and limit the outlook of these properties, especially in the summer months and periods when the vegetation is in leaf. It is considered that the change in outlook will be felt most during the winter months and those periods of the year when the gardens of these properties are less well used. Natural features will continue to form part of the outlook to the site and for these reasons it is considered that the effect on the residential amenity currently enjoyed by residents would not be unacceptable.
- 7.201 The proposed development would result in increased activity and traffic in the local area. However with controls over the level of traffic using Middlecave Road; on the amount and type of commercial and retail floorspace and on hours of use, Officers have no reason to believe that the development would result in an unacceptable impact on the amenity of the residents of the wider area. It is considered that the development would not result in such significant changes to the character of the area to affect amenity to any significant extent. The proposed development is a predominantly residential extension to an existing residential area and the nature and level of activity is not out of character with the predominantly residential nature of the locality or from what could be reasonably expected in an edge of town location.
- 7.202 Objections have also been received in response to the projected build period and consequently, the length of time that local residents will be subjected to disturbance and disruption during the construction period. The direct effects of construction actively on the site would vary as the site is built out and in that respect, the effects of construction activity on neighbours will vary according to stages of build and the location of activity on the site at any one time. The intensity of construction effects will be temporal, even during a long build out period. Members should not that if they are minded to grant permission for the application , this would be subject to a condition that a construction management plan is agreed in order to protect , in part, the amenities of local residents. It should be noted however that the effects arising out of the construction period are covered by control of pollution legislation.

## Drainage

- 7.203 Policy SP17 of the Local Plan Strategy seeks to manage flood risk through the use of sustainable drainage systems where this is feasible. The policy also aims to ensure that new development can take place without an unacceptable impact on water supply and to ensure necessary sewerage and water treatment infrastructure improvements are provided in tandem with new development.

## Foul Drainage

- 7.204 A revised drainage strategy to support the application notes that there are no suitable foul sewers within the site or within a reasonable distance of the site which would allow the site to drain under gravity. In consultation with Yorkshire Water, the applicant has designed an off-site foul water sewer to discharge into the public sewer at York Road Industrial Estate. As a result of the topography of the site, not all of the foul water will drain under gravity and the drainage strategy includes a pumping station to serve the northern third of the site.
- 7.205 Yorkshire Water has confirmed that the local waste water infrastructure does not currently have the capacity to remove and treat foul water from the whole of the proposed development. It has not objected to the application on the basis of the supporting drainage strategy but has recommended that if planning permission is to be granted that conditions and informatives are applied. Specifically, Yorkshire Water is seeking to ensure that suitable conditions are used to ensure that the development is constructed and phased in a timely manner, in order to ensure that adequate drainage and treatment capacity can be provided to serve the development.

## Water Supply

- 7.206 A 250mm water main runs diagonally across the site from Castle Howard Road to the A64. Yorkshire Water has a formal easement protecting the main as well as statutory rights of access. The presence of the main and the easement will have implications for the detailed design and layout of the site. Over the course of the application, Yorkshire Water has expressed concern with the (now withdrawn) indicative layout which illustrated development over the route of the main. In responding to consultation on more recent supporting information, Yorkshire Water has also confirmed that plans illustrating the location of a surface water retention basin over the main would not be acceptable and that they would object to such a scenario. It is however aware that the application is in outline and has confirmed that the applicant has contacted them regarding the possible diversion of the route for the water main, although it is understood that an alternative route has not yet been agreed. A diverted main would be subject to the same easement restrictions and rights of access and this would need to be addressed in reserved matters applications.
- 7.207 The water company has also advised of another water main in the vicinity of the access to the site on Castle Howard Road which would be affected by the development and have confirmed that this would need to be protected or more likely diverted.
- 7.208 Yorkshire Water has stated that if planning permission is granted for the development it should be subject to a condition to prevent the obstruction of the water mains or disturbance of ground levels within a total protected strip width of 10m or that evidence is submitted to demonstrate that the mains will be diverted in a satisfactory way.

## Flood Risk and Surface Water Drainage

- 7.209 The application is supported by a Flood Risk Assessment Report which confirms that the site lies within Flood Zone 1 and as such is not considered to be at risk from flooding. In this respect, the proposal complies with Policy SP17 (Managing Air, Quality, Land and Water Resources) of the Local Plan Strategy and is consistent with national policy and guidance.
- 7.210 The Drainage Strategy supporting the application confirms that geo-environmental reports confirm that the site is suitable for the use of sustainable drainage techniques. The strategy confirms that it is the applicant's intention that all surface water run-off, including a storm and climate change allowance will be attenuated through the use of SUDS features including soakaways, swales, attenuation basins and permeable paving. It confirms that no surface water run off will impact upon land or downstream infrastructure.
- 7.211 The Environment Agency has confirmed that it has no objection to the proposed development subject to a condition requiring that surface water drainage scheme is approved before any development takes place. It has confirmed that the condition will need to ensure that the drainage scheme:
- demonstrates that the surface water run-off generated up to and including the 1 in 100 critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event
  - includes measures to ensure that surface water run-off discharge to be at greenfield rate; to provide attenuation and storage to accommodate at least a 1 in 30 year storm as well as ensuring that storm water resulting from a 1 in 30 year storm, plus 30% to account for climate change and surcharging the drainage system can be stored on site and; details of the maintenance and management of the system after completion
- 7.212 Yorkshire Water has advised that that there is no capacity in the sewer network for additional surface water disposal from the site and has stated that if permission is granted for the site it should be subject to conditions which ensure separate systems for foul and surface water drainage.
- 7.213 The site is located above a Principal Aquifer and if permission is granted for the development it will need to be subject to conditions to ensure that the risk of pollution and contamination is addressed in an acceptable way by the surface water drainage scheme.
- 7.214 The Vale of Pickering Internal Drainage Board has confirmed that its ditch network will not be affected by the proposed development.

## Ground Conditions

- 7.215 Policy SP20 (Generic Development Management Issues) expects developers to address the potential risks associated with land contamination. The application is supported by a Stage 2 Geo-Environmental report which confirms that there are no elevated levels of contaminants at the site. The report concludes that no further investigation or remedial work is required for much of the site. It recommends that further investigation in respect of demolition and refurbishment of buildings and area of land associated with the veterinary surgery. The Environmental Health Officer has confirmed that the investigations and recommendations of the report are satisfactory and advises that if members are minded to approve the application, that a condition is used to ensure that the area around the veterinary surgery is inspected and any unforeseen contamination is investigated and remediated if necessary.



## Biodiversity

- 7.216 Policy SP14 (Biodiversity) of the Local Plan Strategy seeks to ensure that biodiversity in Ryedale will be conserved and enhanced. It looks to resist development proposals which would result in significant harm or loss to Biodiversity, consistent with national planning policy and guidance and the relevant legislation. The policy also seeks to secure net gains in biodiversity through the planning process and is considered to be consistent with the policies on biodiversity included in national policy (paragraphs 117-119 of the NPPF).
- 7.217 The planning application is supported by an Ecological Appraisal prepared in May 2014 and a Bat Survey Report which was prepared in June 2014.
- 7.218 The implications of the proposal for biodiversity have been considered in relation to:
- international and nationally protected sites
  - protected species
  - local sites of importance for nature conservation
  - local and national biodiversity priority habitats and species
  - biodiversity enhancements

## Internationally and Nationally Designated Sites

- 7.219 The site lies in relatively close proximity (approximately 650m as the crow flies) from the River Derwent. The river is designated as a Special Area of Conservation (SAC) under European legislation (the Conservation of Habitats and Species Regulations 2010 – ‘the Habitats Regulations’). Following initial concerns raised by Natural England, officers have undertaken a Habitat Regulation Assessment in order to identify whether the proposal would have a significant effect on the SAC. The assessment considered the impact of the proposal in terms of the potential for increased disturbance of the otter population on the River and for increased sediment input and changes to water quality. It concluded that the proposal PDOCO and in combination with other development at Malton and Norton will not result in a significant effect on the SAC having regard to the features of European Importance which are the reason for its designation and the conservation objectives which are in place for the site.
- 7.220 The River Derwent is also designated under national legislation (the Wildlife and Countryside Act 1981, as amended) as a Site of Special Scientific Interest (SSSI). Having undertaken the Habitat Regulation Assessment referred to above, officers are of the view that the proposal PDOCO and in combination with other development, would not result in an adverse impact on the River Derwent SSSI. Natural England has confirmed that it is satisfied with the conclusions of the assessment.

## Protected Species

- 7.221 A bat survey and ecological appraisal has found no evidence of bat roosts on the site. One of the outbuildings associated with the veterinary practice which is proposed for demolition has been identified as having moderate potential to support roosting bats along with a limited number of trees. The remainder of trees and outbuildings have been identified as having low potential for roosting bats. The survey work has also revealed the presence of nesting swallows in two of the outbuildings associated with the veterinary practice. These will be lost as part of the proposal.

- 7.222 The supporting information has confirmed that the site is used for foraging and commuting bats and that it is suitable habitat for foraging badgers. The Countryside Officer has advised that further surveys should be undertaken to confirm the presence of roosts if the development is approved and work is not undertaken within 12 months. The Countryside Officer has confirmed that the habitat enhancement and compensation measures and mitigation measures proposed by the applicant, including the installation of bat shelters and roosts, artificial swallow nests, habitat creation and lighting scheme/controls are appropriate in principle but that the quantity of artificial nests and shelters suggested should be increased. These measures could be secured through the use of a condition requiring the production of a Biodiversity Strategy based on the enhancement, compensation and mitigation measures presented in the Ecological Appraisal and Bat Report.
- 7.223 There have been recent reported sightings of Barn Owls on the site and the applicant has sought further advice from ecological consultants in response to the sightings. This has concluded that given the limited number of records locally and the sub-optimal habitat of the site there is no need for a further assessment and survey of barn owl at this time. The advice has also concluded that the creation and management of landscaping area around the perimeters of the site will support barn owl hunting and will retain north-south connectivity across the site. The Countryside officer has confirmed that the assessment has been correctly undertaken and that its conclusions are reasonable. He has confirmed that mitigation habitat would replace sub-optimal foraging habitat with a larger area of better quality habitat available for owl hunting and perching.

#### Local Sites of Importance for Nature Conservation (SINC)

- 7.224 The western boundary of the site runs concurrently with the boundary of the Malton Bypass Cuttings SINC which is designated for the semi-natural grassland habitat of the embankments and verges. Construction activity associated with the proposal has the potential of having an adverse impact on the adjacent SINC although it is considered that any potential impacts associated with construction activity could be avoided through an appropriate construction method statement which would be a condition of any approval. A further SINC – the Broughton Lane SINC is located to the west of the site beyond the A64. It is not directly connected to the site and is not considered to be at risk from direct adverse impacts from the scheme. However, the proposed development is likely to result in increased recreational use of the SINC although it is not considered that this would result in significant adverse effects on the SINC. Indeed, an appropriate biodiversity strategy for the application site could result in benefits to the biodiversity SINC.

#### Local and national biodiversity (Biodiversity Action Plan – BAP) habitat and species

- 7.225 Species rich hedges are present within the site and on its perimeter. The site also contains arable field margins and limited areas of semi-improved grassland both of which are BAP habitats which in turn support tree sparrows and farmland birds which are local as well as UK BAP species. The proposal retains existing species rich perimeter hedging on the perimeter of the site but will result in the loss of internal hedges, grassland and arable land that support farmland birds. Whilst this is a disbenefit of the scheme, it is considered that the wider farmed landscape beyond the site will continue to provide habitat to support farmland birds and that the effects of the scheme on BAP habitat and species can be mitigated and compensated for through the replacement planting of trees, species rich hedgerow and scrub as part of a Biodiversity Strategy for the site as advocated in the applicant's Ecological Appraisal.

## Biodiversity Enhancement

- 7.226 The ecological appraisal supporting the application confirms the potential for the design of the scheme to secure improvements (net gains) to biodiversity. As well as the provision of specific measures such as bat shelters and boxes, it suggests that a landscaping scheme and the treatment and management of open space could improve species rich hedgerows and grassland on the site which would support local Biodiversity Action Plan objectives and projects such as the 'B-Line' pollinator project. Such biodiversity enhancements would need to be included within a Biodiversity Strategy which could be secured by way of a condition if members are minded to approve the application.

## Heritage Assets

### Historic Landscape and townscape character

- 7.227 Policy SP12 (Heritage) of the Local Plan Strategy seeks to ensure that distinctive elements of Ryedale's historic environment which includes the individual and distinctive character and appearance of Ryedale's Market Towns will be conserved and where appropriate enhanced. The policy also seeks to ensure the sensitive expansion, growth and land-use change in and around the Market Towns and Villages, safeguarding surrounding historic landscape character and setting of individual settlements.
- 7.228 Development of the site would represent the further westerly expansion of Malton. The site is adjacent to 20<sup>th</sup> century development which itself represents the relatively recent, modern expansion of the Town. In this broad sense, it is considered that development of the site for the uses proposed would not itself undermine or harm elements which contribute to the historic character and appearance of Malton as a historic Market Town and heritage asset.
- 7.229 Historic landscape characterisation records produced by North Yorkshire County Council indicate that the fields which comprise the northern half of the site are post medieval, planned large scale parliamentary enclosure with the southern half of the site made up of modern improved fields. In this respect, the proposal would not result in loss or harm of areas of historic landscape character that the development plan specifically seeks to protect.

### Designated and non-designated heritage assets

- 7.230 Policy SP12 also seeks to conserve and where appropriate enhance, designated heritage assets and their settings and to protect other features of local historic value and interest. The policy is consistent with national policy in the NPPF which emphasises the desirability of sustaining and enhancing the significance of heritage assets.
- 7.231 The site lies approximately 150 m beyond the western boundary of the Malton Conservation Area on Castle Howard Road. The Building Conservation Officer (BCO) has noted that modern housing development along Castle Howard Road already forms a significant component of the setting of the Conservation Area and in this respect the Officer is of the view that this element of the character of the setting will be preserved by the development.
- 7.232 The Building Conservation Officer is also of the view that a further component of the wider setting of the Conservation Area is the rural, 'edge of town' feel which the application site as an undeveloped field contributes to in part. It is considered that this 'edge of town' quality is a secondary minor component of the wider setting of the Conservation Area given distances to the Conservation Area boundary and a lack of clear long distance views into and out of the Conservation Area.

- 7.233 The Officer has noted that it is difficult to fully assess the impact of the proposed development by virtue of the fact that the application is in outline. She has expressed some concern over the inclusion of taller buildings in relation to this rural edge of town character but is of the view that through careful placement, landscaping or reduction in heights, the impact on the character of the setting of the Conservation Area could be mitigated. Similarly, the BCO has expressed some concerns that lighting will also be important in helping to retain this rural edge of town character.
- 7.234 Although the rural element of the setting of the Conservation Area would be affected by the development of the site by virtue of the fact that an arable field would be developed, the BCO is of the opinion that some of the significant aspects that contribute to the rural qualities of the setting would be preserved through proposed landscaping and with the retention of existing trees in the foreground, along Castle Howard Road.
- 7.235 Proposed highway improvement works to Castle Howard, including footpath and road widening have the potential to affect the setting of the Conservation Area and the character and appearance of the Conservation Area. Existing verges and trees together with limited stretches of kerbing and limited signage are important elements which contribute to the character and appearance of the Conservation Area and its setting. These works will be secured through a S278 agreement to be undertaken by NYCC and officers will work to agree a specification to ensure that effects of works are mitigated in order to preserve the character and appearance of the Conservation Area and its setting. It is anticipated that this will mean that along some parts of Castle Howard Road, continuous footpath widths of 2m may not be able to be achieved.
- 7.236 It is considered that the site is therefore, capable in principle of being developed without harm to the character of the Malton Conservation Area and in a way which could preserve its setting. The proposal is therefore considered able to comply with Policy SP12 of the Local Plan Strategy and national policy and accordingly, the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area is satisfied.
- 7.237 No listed buildings are affected by the application either directly or by virtue of an impact on their setting. The proposal retains Middlecave House which is an attractive 19th century building and as such is a non-designated heritage asset. This is a modest benefit of the proposal.

#### Archaeology

- 7.238 The application is supported by an archaeological desk based assessment and trial trenching results. North Yorkshire County Council's historic environment team has confirmed that it did consider the site to have medium archaeological potential but that the information provided by the applicant has revealed that the site is heavily truncated by ploughing and that limited archaeological features have been noted. Those features that have been found have been heavily disturbed and found to be shallow in section. Consequently, the County Council has confirmed that they are able to support the recommendation in the trial trenching report that no further archaeological work is required at this site.
- 7.239 It is considered that the proposal would not result in unacceptable harm to known archaeological interests and accords with Policy SP12 of the Local Plan Strategy (Heritage) and the NPPF (Paragraphs 128 and 129)

### Loss of Agricultural Land

- 7.240 Policy SP17 (Managing Air Quality, Land and Water Resources) looks to resist the loss of best and most versatile agricultural land unless it can be demonstrated that the use proposed cannot be located elsewhere and that the need for the development outweighs the loss of the resource. The NPPF (paragraph 112) requires that local planning authorities take account of the economic and other benefits of the best and most versatile agricultural land and states that where the significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
- 7.241 The applicant has provided a detailed Agricultural Land Classification assessment. This reveals that 82% of the site is Best and Most Versatile Agricultural Land. 78.54% of the site (17.08ha) is land grade 3a and 3.18% of the site (0.69 ha) is grade 2.
- 7.242 It should be noted that much of the open land around Malton and Norton is agricultural grades 2 and 3 and that planned housing requirements for the Principal Town will require the use of land which is at least Grade 3 in quality. Without detailed information on the presence and location of land sub grades 3a and 3b, it would not be reasonable to assume or insist that the development could be located elsewhere on land of lower agricultural quality.
- 7.243 Notwithstanding this, the development of the site would result in the loss of Best and Most Versatile Land and this is a disbenefit of the proposal which will need to be considered in the overall planning balance. Members should be aware that Natural England has not objected to the scheme on the basis of the loss of Best and Most Versatile Land.

### Trees

- 7.244 Policy SP 14 (Biodiversity) seeks to protect ancient and veteran trees and a number of other policies within Section 7 of the Local Plan Strategy recognise the contribution that trees make to biodiversity, Green Infrastructure networks, landscape character, good design and visual amenity.
- 7.245 There are no ancient and veteran trees on the site. Within the site, existing mature trees are largely associated with the historic curtilage of Middlecave House and with some of the internal field boundaries. Mature trees align much of the eastern boundary of the site on adjacent land and also align the highway verge along Castle Howard Road.
- 7.246 A number of individual trees and groups of trees are the subject of a Tree Preservation Order. These are mainly located in the northern section of the site, although a number of trees within the gardens of adjacent properties to the east of the site are also subject to the same order, including the group of mature trees to the rear of the property 'The Uplands'. In addition, the stretch of lime trees which align the private road to the Uplands from Castle Howard Road are also the subject of a Tree Preservation Order.
- 7.247 The Arboricultural and Landscape Report prepared to accompany the application confirms that it is the applicants intention to retain the majority of trees on the site with the exception of a mature lime tree in the centre of the site, a small group of trees to the west of the outbuildings associated with the veterinary surgery and a small group of trees along Middlecave Road, to the east of Middlecave House.

- 7.248 The Tree and Landscape Officer has confirmed that the loss of these smaller groups of trees is acceptable as they are of relatively low quality. However, the Officer objects strongly to the proposed loss of the mature lime tree. He has also expressed some concern that some of the better quality trees on the site would be adversely affected by the proposals or would have a negative effect on occupiers. These trees are the subject of a Tree Preservation Order and given that the application is in outline it is considered that through careful attention to design and layout they can be retained within the scheme.
- 7.249 The report also confirms that all existing internal hedgerows would be lost to the development but that all perimeter hedges are to be retained. Internal hedgerows are integral to the intrinsic landscape character and natural beauty of the site and their loss is a disbenefit of the scheme.
- 7.250 Although access is a reserved matter, illustrative locations for a primary access to the site on Castle Howard Road may have implications for a limited number of mature trees, depending on the details of access arrangements. Whilst this would be an adverse impact of the scheme, it is considered that this would be offset, in part by comprehensive landscaping and tree planting proposals. The indicative primary access point on Middlecave Road is very close to a protected tree and tree group and design details would need to avoid loss and damage to these trees.

#### Public Rights of Way

- 7.251 There are no public rights of way within the site. A public footpath also runs through the plantations to the west of the site and the A64, from Braygate Street towards Broughton and the B1257. Another footpath runs between the rear of the gardens of properties off Fitzwilliam Drive and the allotments on Castle Howard Road. It is considered that the application has no direct impact on these two Public Rights of Way.
- 7.252 The nearest public right of way to the site is the bridleway which runs from the veterinary surgery on Middlecave Road across the A64 and into the countryside beyond. Although access to the site is a reserved matter, the indicative illustrations in the Design and Access Statement show vehicular access to the site at two points along Middlecave Road, one in front of Middlecave House and a smaller access point in the vicinity of the current car park for the veterinary surgery. This smaller point of access is off the public bridleway. Whilst limited vehicular access to the surgery is currently already provided off the Bridleway, North Yorkshire County Council has advised that if planning permission is granted for the development, an informative is added to the decision notice stating that no works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way.

#### Economic Considerations

- 7.253 National planning policy emphasises the need to ensure that planning supports economic growth and paragraph 19 of the NPPF makes it clear that significant weight is placed on the need to support economic growth through the planning system.
- 7.254 The proposal will provide direct economic benefits in the form of employment space, increased expenditure in the local economy and potential job opportunities during the construction period. In the longer term, it is anticipated that an increased population will contribute to increased expenditure in the local economy.

### Permission period sought

- 7.255 The applicant is seeking an extended outline planning permission covering a ten year period in which to submit all reserved matters applications with provision for development to begin within two years of the date on which the final reserved matters are approved. Members are aware that normally outline planning permission is subject to a condition provides a three year period in which to submit all reserved matters applications and for development to begin within two years of the date on which the final reserved matters are approved.
- 7.256 The time period sought for the permission reflects the anticipated build out period for the scheme, the applicant's intention that the scheme would be developed in a number of phases and that reserved matters applications would be made consecutively for different phases. The applicant has provided information which illustrates how the development of the site would divide into different development parcels, estimations of the point at which reserved matters applications would be submitted and assumed periods of delivery.
- 7.257 If Members are minded to grant permission for the development, it is considered that this should be subject to specific time limit conditions to ensure the timely submission of the reserved matters applications. This would be different to the use of a typical time limited condition covering ten years with subsequent conditions establishing the time period for the approval of reserved matters and commencement of development. The conditions would establish time periods for the submission of reserved matters for specified development parcels and for the commencement of development included in each of the phasing conditions.
- 7.258 The use of such conditions is considered to be necessary in order for the Local Planning Authority to ensure that housing land supply can be properly managed. Phasing conditions would need to reflect the fact that structural landscaping and a development masterplan would need to be agreed and in place as an initial phase of the scheme and that development is phased in such a way as to ensure acceptable noise mitigation can be achieved.

### Other Issues

- 7.259 A number of wider issues have also been raised in comments made on the application.

### Overhead Power Lines

- 7.260 A number of comments express concern over the principle of locating development in close proximity to the overhead electricity transmission lines which cross over the south western edge of the site. Health and safety concerns have been raised that the proximity of new homes to electromagnetic fields (EMF's) generated by power lines have been linked to increases in illness, including cancers and childhood leukaemia in particular. Currently in the UK, the Government's position (advised by the National Radiological Protection Board) is that there is no established causal link between cancer or other diseases and EMF's. The Government does not recommend any special precautions for the development of housing near powerlines on EMF grounds and against this, it is considered that the Authority cannot apply significant weight to those concerns.
- 7.261 Notwithstanding this, there are good operational and amenity reasons for ensuring the careful siting of built development and landscaping in the proximity of lines. The indicative material provide with the application indicates that the developer does not intend to locate built development or landscaping directly under the lines and the applicant will need to comply with statutory safety clearances which would be addressed as part of reserved matters applications.

## Prematurity

- 7.262 A number of objections to the application have raised concerns that the release of the site in advance of decisions on land allocations being made through the Local or Neighbourhood Plan. The point is made that this would prejudice the ability of local communities to influence or make land use decisions in their area and that this is not what local people understand the Localism agenda to be.
- 7.263 Advice on ‘prematurity’ is included within the Planning Practice Guidance (PPG paragraph 014) which accompanies the National Planning Policy Framework (NPPF). It makes it clear that within the context of the NPPF and the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission. The circumstances which could justify a prematurity argument are likely, but not exclusively limited to situations where both:
- “a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.*
- 7.264 The PPG goes on to confirm that *“refusal of planning permission on the grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on the grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process”.*
- 7.265 Whilst work on the local plan site allocations document is progressing, in terms of the plan-making process there is some distance to cover before the sites document reaches an advanced stage. Officers consider that the sites document is not sufficiently advanced to justify a prematurity reason for refusing the application.
- 7.266 Similarly, Members will be aware that Malton and Norton Town Council’s intend to produce a Neighbourhood Plan for the twin towns, taking forward work on a draft plan which was prepared several years ago. The scope and content of the Neighbourhood Plan is to be confirmed and as yet, the first stage in the Neighbourhood Planning process - the application for the designation of the Neighbourhood Area is yet to be made by the Town Councils. It is evident therefore, that the Neighbourhood Plan is not sufficiently progressed to a stage where it could be argued that the application would prejudice policies or proposals in an emerging Neighbourhood Plan.
- 7.267 Furthermore, in terms of the scale and broad location of the development proposed, the proposal is consistent with Policies SP1 and SP2 of the Development Plan which are designed to guide and distribute new development at Malton and Norton. In this respect, it is considered that the proposal alone or in combination is not so substantial as to undermine the plan-making process.
- 7.268 Officers are confident that a prematurity argument can not be substantiated and that a refusal of the application on prematurity grounds alone would be unreasonable and could not be justified.



### Weight of Public opinion

- 7.269 Members will be mindful of the fact that there is significant local opposition to the proposal. Members are reminded that whilst planning authorities are expected to consider the views of local residents when determining planning applications, the extent of local opposition, is not in itself, a reasonable ground for refusing development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence.

### Property Values

- 7.270 A number of objections to the proposal have raised concerns that it would result in a deflation in nearby property values. However, Members are aware that planning is concerned with land use in the public interest rather than the protection of private interests such as the impact of a development on the value of neighbouring properties.

## **8.0 CONCLUSION**

- 8.1 The site is not allocated for the development proposed in the Development Plan and this report has outlined the range of considerations that need to be weighed in the balance in the determination of the application.
- 8.2 The extent to which the benefits of the proposal outweigh any adverse impacts associated with the scheme is integral to the determination of the application. Officers consider that there are benefits of the development as well as adverse impacts and that there are a number of factors that influence the weight to be attributed to these.
- 8.3 In summary, the site is in a relatively accessible location adjacent to an existing residential area and this is a benefit of the application. The provision of purpose build accommodation for the elderly is also a benefit of the scheme and will help to address existing identified need for this form of accommodation. The economic benefits to the local economy of new house building and habitat improvement measures are also benefits of the scheme.
- 8.4 The proposed development will provide some additional choice in the new build housing market. However, Members will be aware that a number of sites are currently under construction or are committed at Malton and Norton which will be built by a range of developers offering a range of new build house types. The existing supply of small site commitments also provide for self-build opportunities. Cumulatively, the market is providing a choice of new build properties. If built in the 'Poundbury' style as outlined in the Design and Access Statement, the proposed development would offer a more 'bespoke' product which is not currently available at Malton. However, officers consider that the landowner has a specific approach to the development and delivery of the site which is in part a reason why the developer contribution towards affordable housing is low. This is an issue which, in the view of Officers, tempers the benefit associated with such a unique scheme.
- 8.5 The provision of some employment space is a benefit of the application although significant weight is not attached to this element of the scheme given that the overall level of employment space is limited and employment land has been recently released by the Authority at Malton.

- 8.6 The developer contribution of education land is a necessary mitigation measure for the development and in that respect is not a benefit of the scheme. The benefit associated with this contribution is that it would enable primary school capacity to be available for the longer term should this be required. It is considered that this is a benefit of the application.
- 8.7 Release of the site at this stage will help to provide a continuity of housing land supply. This is a benefit although Officers are confident that through a combination of the existing housing land supply position and the timing of the production of the sites document, a continuity of housing land supply to meet planned requirements will be maintained.
- 8.8 Some benefits may be derived by the local community from the proposed neighbourhood facilities and open space. The potential for the site to deliver strategic market town amenity space would help to address a current identified deficiency and this is a significant benefit of the scheme.
- 8.9 The proposed affordable housing contribution is not considered to represent a significant benefit of the scheme against a context of acute affordable housing need across the District and the Principal Town. Indeed, it is considered that inability of the site to deliver affordable housing in any significant number results in disbenefit for the Town.
- 8.10 A number of adverse impacts associated with the application can be suitably mitigated and addressed. Notwithstanding this, it is considered that there are adverse impacts which weigh against the application.
- 8.11 In summary, the development of the site will result in the significant and demonstrable harm to local landscape character. The site provides an attractive approach to the Town. Its intrinsic character and natural beauty will be lost and this is considered to be a significant adverse impact of the development proposed which weighs significantly against the benefits which would be derived.
- 8.12 The scale of the development proposed equates to one third of the planned housing requirement for the Principal Town. The inability of the scheme to provide affordable housing to any meaningful extent will mean that further land would need to be released at Malton and Norton in order to address identified affordable housing need. Furthermore, the low level of affordable housing on a site of such scale and in an area of Malton with no existing social housing stock, would not help to create an inclusive and mixed community at this part of the Town and would further perpetuate imbalances across the Town. The inability of the scheme to provide affordable housing to any meaningful extent weighs significantly against the benefits which would be derived.
- 8.13 The development of the site will result in the loss of Best and Most Versatile land. Whilst this is an adverse impact of the scheme, it is recognised that land of equal or higher value will be required at Malton and Norton in order to meet planned requirements and against this context, officers are of the view that significant weight should not be applied to this impact of the scheme.
- 8.15 Furthermore, it is considered that the applicant's Environmental Statement and Landscape and Visual Impact Assessment demonstrate that the proposed development would have an unacceptable adverse impact on the Howardian Hills Area of Outstanding Natural Beauty. Mindful of the statutory duty on this Authority to have regard to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty as well as to local and national policy, it is considered that this is an issue which weighs significantly against the proposal.

On balance, in relation to landscape impact, Officers are of the opinion that whilst some significant benefits would be derived from the scheme, the benefits of the application are not considered to outweigh the harm and adverse impacts which would arise as a result of the development proposed.

- 8.16 It is also considered that the applicant has not demonstrated that the development proposed can be accommodated without a significant adverse impact on the townscape of Malton or so as to achieve appropriate noise standards. These are also issues which weigh against the proposal.
- 8.17 The Local Planning Authority has received advice that the scheme does not optimise the delivery of affordable housing. This undermines objectives of the Development Plan and conflicts with affordable housing policy contained within the Development Plan and is a matter which is considered to weigh significantly against the application. It is therefore, recommended that the application is refused for the following reasons.

**RECOMMENDATION: Refusal**

- 1 The proposed development is not in accordance with the Development Plan and does not comply with Policy SP2 of the Plan (The Ryedale Plan - Local Plan Strategy). The benefits of the development do not outweigh the harm to the intrinsic character and natural beauty of the open countryside and harm to an area of open countryside which by virtue of its natural beauty and intrinsic character forms an attractive approach to Malton. Furthermore, the proposed development is EIA development which at its closest point is 48m from the nationally protected landscape of the Howardian Hills Area of Outstanding Natural Beauty (AONB). The benefits of the proposed development do not outweigh the significant and demonstrable harm to the AONB by virtue of landscape and visual effects arising from the development in its totality, including proposed landscape mitigation. This is contrary to the requirements of Policy SP13 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.
- 2 The site is located at the edge of the Town and on elevated land relative to other parts of the Town. The existing residential development directly abutting the application site to the eastern side is of a predominantly traditional scale residential development. Policy SP16 of the Local Plan Strategy requires new development to reinforce local distinctiveness by respecting the context provided by its surroundings which includes the structure of the Town and the topography and landform that has shaped the structure of the Town. Based on the information submitted with the application, it has not been demonstrated that the proposed development of a maximum of 500 dwellings can be accommodated in a satisfactory manner that complies with Policy SP16 of the Ryedale Plan - Local Plan Strategy without significant detriment to the character of the Townscape.
- 3 The A64 Trunk Road is located adjacent to the western boundary of the application site and Castle Howard Road to its southern boundary. The application site is therefore subject to road traffic noise. Policy SP20 of the Ryedale Plan - Local Plan Strategy requires that new residential development meets the highest noise standards including those of the World Health Organisation, British Standards and wider international and national standards relating to noise. Based on the information submitted, it has not been demonstrated that 500 dwellings can be accommodated on the application site in a satisfactory manner, without experiencing unacceptable levels of road traffic noise both during day-time and night-time. The proposed development is therefore contrary to the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Policy SP3 of the Ryedale Plan - Local Plan Strategy seeks the provision of 35% on-site Affordable Housing from the application site. Policy SP3 also requires the Local Planning Authority to maximise this affordable housing provision to achieve this target having regard to the circumstances of the individual sites and scheme viability. The applicants have undertaken a financial viability assessment which concludes an affordable housing contribution is only viable at a much reduced provision, equating to a contribution of 9%-10% affordable housing provision against the maximum number of 500 dwellings proposed. The viability assessment undertaken by the applicants has failed to justify this much reduced affordable housing contribution. In the absence of satisfactory justification, the proposal is therefore contrary to the requirements of Policy SP3 of the Ryedale Plan - Local Plan Strategy.

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Ryedale Plan: Local Plan Strategy 2013  
National Planning Policy Framework and Planning Practice Guidance  
Responses from consultees and interested parties  
Howardian Hills AONB Management Plan  
Malton Air Quality Action Plan