



Ref:

Date: 14th December 2015

Rachael Balmer
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

Dear Rachael,

Ryedale Plan: Local Plan Sites Document

**Consideration of potential residential site options – request for further information
Sites: 249 and 218**

As you are aware WYG act on behalf of Fitzwilliam Malton Estate in relation to the above sites and I would first like to thank you for meeting with me to discuss the sites and current consultation on the Local Plan Sites Document. This letter is submitted as the Estate's formal representation.

Housing Supply / Target

We have reviewed the Local Plan Sites Document (here on referred to as Sites Document) and would raise an initial query as to how the figures relating to "*Dwellings Built or with Permission*", as listed in the table on page 5, have been arrived at? The supporting text refers to these being drawn from the 2015 SHLAA Part 1 Update, however it is not clear as to which figures from the various tables included in this document have been used to calculate the 2,031 total. Clearly it is important that there is clarity and transparency in terms of the figures used, in order to allow informed engagement with the process and the document.

We would also question the inclusion of developments which do not have planning permission but which the Council were minded to approve, particularly where such sites were considered by Members more than 3 months previous.

Whilst we acknowledge that the overall housing target is not currently being consulted on, as you are aware RDC committed to reviewing housing need 5 years post the adoption of the Local Plan Strategy (para 4.32). This review is due in 2018 shortly after the scheduled adoption of the Sites Document. We understand and welcome the fact that work is already underway to update the SHMA. However, given the relatively low target adopted¹ and continual rise in housing need nationally, we would recommend that to ensure against any increase in housing need resulting in an immediate requirement to amend the adopted Sites Document, RDC consider allocating or safeguarding additional land over and above that required to

¹ At paragraph 40 of his report the Inspector Examining the Local Plan Strategy acknowledged that 200 dwellings per year "represents the minimum necessary to meet the needs of the existing population and provide for a reasonable level of migration" going on to acknowledge at para 43 that a figure of 250-350 is required to fully meet the need for market and affordable housing and reflect the economic strategy.





meet the current target. This approach would also provide additional flexibility to ensure that RDC can meet the housing needs of the district and deliver a wide choice of quality homes.

Regardless of the position on housing need however, we consider that sites 249 and 218 are the most appropriate for allocation in the Site Document, for the following reasons.

What are your views on the Council's preferred sites? and Do you have any views on how we have selected these sites?

We welcome the inclusion of sites 249 and 218 as preferred options. Having reviewed the Sites Document and Sites Assessment Methodology it is clear that, compared to the other residential options being considered in Malton and Norton, sites 249 and 218 are the most appropriate for residential development.

As you are aware, site 218 was the subject of a recent planning application. Whilst the site allocation process and planning application process are clearly separate there is a considerable overlap between the two. This is acknowledged in the Site Selection Methodology table which refers to evidence provided with the planning application. Key advantages of site 218 include the following:

It has been demonstrated by FME and accepted by RDC and NYCC that the site can be developed for up to 500 dwellings, plus small scale employment and community uses, without detrimentally impacting on the local highway network or the Malton Air Quality Management Area (AQMA). This is subject to the implementation of appropriate mitigation, the detail of which was agreed with RDC and NYCC. This is a critical point given the known highways issues associated with development generally in Malton and Norton – development of site 218 is not constrained by those issues.

It was also demonstrated through the application process that development of the site will not have any impact on the River Derwent SAC, either directly or indirectly. This was supported by Ecological Assessments and the Geo Environmental and Flood Risk Assessments submitted with the application. It was also confirmed by Natural England. The site is also located in an area at low risk of flooding and neither site 218 or 249 is located in a Critical Drainage Area as identified in the Site Assessment Methodology. On this basis both sites are preferable to sites 649 and 324.

With regards to Archaeology, the development of site 218 is identified in the Sites Assessment Methodology as "*adversely affecting the significance, character and distinctiveness of a heritage asset*". Whilst the Methodology acknowledges that mitigation is possible, in fact the fundamental assessment of an impact is incorrect, as demonstrated by the archaeological and geophysical survey undertaken by MAP in 2013. The site is heavily truncated by ploughing with limited archaeological features noted, all of which were heavily disturbed. NYCC agreed the recommendation that no further archaeological work is required on the site. As such this score should be amended to "*Development would not adversely affect the significance, character and distinctiveness of the heritage asset*".

In addition, an Agricultural Land Classification report was submitted with the application which demonstrated that the site is predominately Grade 3a with pockets of Grade 3b and a small area of Grade 2. In an area where the majority of the land available for development is Grade 2, including a significant proportion of site 649 and 324, this is a clear benefit as set out in NPPF paragraph 112 and Local Plan Policy SP17.

Therefore, it is accepted that site 218 is capable of delivering up to 500 units plus employment and community uses with no impact on the Derwent SAC or Archaeology and that impacts on the highway network and AQMA are acceptable and / or can be suitably mitigated. In addition, although all the sites in the preferred





options are Best and Most Versatile land, it is clear that 218 is predominantly a lower grade (3a) than most development sites in Malton and Norton, including sites 649 and 324.

All these known advantages weigh in the favour of allocating site 218

In addition to the advantages outlined above, the allocation of site 218 would provide an opportunity to secure land for a primary school, located in west Malton where it is most needed. Primary education provision in Malton is at capacity already, with a deficit of 178 school places expected by 2019/2020 (taken from NYCC's calculations of growth based on approved development and natural change).

Both existing primary schools in Malton are located on adjacent sites to the east side of Malton, requiring residents located to the west of Malton to travel up to 2km. This distance necessitates many using a car with a proportion of these journeys routed through the AQMA. This situation will be exacerbated by recent planning approvals which are predominately located to the west of the town.

Existing and potential future Primary School provision located in Norton is only accessible to Malton residents via the AQMA with the majority likely to use a car.

Provision of a school site on either site 249 or 218 would increase both the overall provision and accessibility of primary education in Malton, reducing travel distances for existing and new residents. It would also meet the need already generated by the current deficit of pupil spaces and that of the proposed development on sites 249 and 218 in a highly sustainable location.

The proximity of Malton Secondary School to these sites is also a clear benefit, further reducing the need to travel by car and increasing the overall sustainability of these sites and the School.

This is a significant benefit of sites 218 and 249 and should weigh heavily in their favour.

The planning application seeking permission for residential development for site 218 was refused and the reasons for refusal must also be addressed; being limited to: impact on the AONB, impact on townscape character, noise impacts and unsatisfactory affordable housing contribution. We deal firstly with these issues below:

1. AONB

The impact of the proposed development on the AONB is not significant, in our view and as set out in our ES accompanying the application. Notwithstanding this, the Officers Report to Members acknowledges that:

"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....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".

This demonstrates that it is an issue of design on which we disagree rather than being an issue which goes to the principle of the development of this site. Therefore this issue does not prejudice the ability to allocate this site for development.

2. Townscape Quality

In terms of townscape quality the key issue related to the town centre scale buildings proposed within the scheme and the impact of introducing these features in a location on a site at the edge of the town. Again, the Officer Report





acknowledges that the "traditional and typical scale of the remainder of the residential development on the site would be generally appropriate".

Once again, this is an issue of design rather than the principle of the site's development.

3. Noise

Finally with regards noise, it was demonstrated by the applicant that noise impacts from the A64 and Castle Howard Road could be mitigated through detailed design and the highest recognised standards in relation to noise could be achieved in line with Local Plan Policy SP20.

Nevertheless, the Council raised concerns regarding the overall number of properties which could be delivered on the site. This concern was based largely on a statement within the Noise Reports submitted with the application, which refers to the noise criteria being achievable "without a significant loss in the overall number of residential units". This statement is self explanatory; there would be no significant impact in the number of units achievable on the site i.e. up to 500 units is achievable.

Notwithstanding this, the proposed development assessed as part of the application included a over and above the 1.5ha of green space required on-site by Local Plan Policy SP11. It is, therefore, clear that there is sufficient flexibility in the overall scale of the site and quantum of development proposed to allow for noise levels to be achieved without any loss of units whilst still maintaining more than the required level of green space.

The first 3 reasons for refusal relate to design matters and not the principle of the development of site 218. None of these issues preclude the allocation of this site, or indeed site 249 as it would be premature to pre-judge the development potential of these sites on the basis of detailed design issues which officers have acknowledged are not insurmountable.

4. Viability

The fourth reason for refusal relates to viability and the overall provision of affordable housing on the site. Again it is a matter of public record that the planning application submitted on site 218 proposed a reduced percentage of affordable housing than that sought by Local Plan Policy SP3.

We note that the promoter of site 649 has indicated the potential of their site to deliver full policy compliant planning obligations, including 35% affordable housing and a site for a school.

We are very concerned at the basis and credibility of this assertion which we challenge. We are also concerned to ensure that officers do not fall into the trap of pre-judging the relative levels of planning gain that sites could generate at this stage, and allow this to prejudice their assessment of the relative merits of site allocation options. The overall level of planning gain of any given site depends on a wide range of variables which, at the allocation stage in the planning process are in most cases unknown / uncertain. In order to realistically determine the level of planning gain a site can support, a full viability appraisal is required backed by robust technical information regarding site development costs. It is understood that no such exercise has been carried out by the promoters of site 649 and therefore the indication that it could generate a full level of planning gain by the promoters cannot be given any weight in the assessment.

Comparison of Malton and Norton

A key driver of a site's capacity to deliver planning gain is the sales revenues that are achievable. Based on evidence collated by the Land Registry on average house prices this would suggest that sites in Malton have a greater potential





for planning gain than sites in Norton. As the table shows, average house prices in Malton are £229,156 compared with Norton where average house prices are £180,848:

Region/Area	Detached Av Price £	Semi-Detached Av Price £	Terraced Av Price £	Flat/Maisonette Av Price £	Overall Av Price £	Overall Sales	Date
YO17 6	205,417	160,000	288,667		225,850	10	Oct - Dec 2014
YO17 7	251,170	191,802	159,181	187,500	202,605	30	Oct - Dec 2014
YO17 6	393,333	200,000	104,250		296,850	5	Jan - Mar 2015
YO17 7	250,583	205,275	171,880	180,000	201,520	30	Jan - Mar 2015
YO17 6	295,000	146,250	180,000		224,464	7	Apr - Jun 2015
YO17 7	320,180	160,121	163,067	108,000	192,399	24	Apr - Jun 2015
YO17 6	370,429	199,500	145,000	260,000	271,250	16	Jul - Sep 2015
YO17 7	344,700	182,750	163,706	128,350	218,310	24	Jul - Sep 2015
Malton	303,851	180,712	171,969	172,770	229,156	18	Total Average
YO17 8	226,200	160,318	133,278	55,750	178,104	36	Oct - Dec 2014
YO17 9	221,999	165,536	141,500	95,000	183,172	40	Oct - Dec 2014
YO17 8	295,825	152,917	80,750		195,647	15	Jan - Mar 2015
YO17 9	259,350	164,375	179,975	78,857	180,998	23	Jan - Mar 2015
YO17 8	229,290	173,300	146,325		190,116	27	Apr - Jun 2015
YO17 9	205,333	165,518	111,167	67,250	147,730	27	Apr - Jun 2015
YO17 8	248,636	152,352	153,594		188,029	30	Jul - Sep 2015
YO17 9	243,727	168,523	153,455	83,750	182,992	34	Jul - Sep 2015
Norton	241,295	162,855	137,505	76,121	180,848	29	Total Average

Development appraisal illustration

To demonstrate the point Cushman and Wakefield has prepared two hypothetical development appraisals of a notional 1 acre residential development site to illustrate the relative potential for Malton and Norton sites to deliver planning gain. All site abnormal development costs and planning obligations have been excluded from the appraisal to enable comparison on a like for like basis. Profit has been inserted as a fixed cost and therefore the residual figure generated by the appraisals represents the amount available for land purchase, planning gain and site abnormal development costs.

The first appraisal is based on Malton sales values. A sales revenue of £225 psf has been assumed, consistent with the assumptions used in the Cushman and Wakefield Viability Report (September 2015) in support of planning application reference 14/00678/MOUTE. The second is based on Norton sales revenues and a lower sales revenue of £200 psf has been assumed, based on research of achieved sales values on new build houses in Norton². All other appraisal assumptions are consistent across the two schemes.

The development is based on a residential floor coverage of 14,000 sq ft per acre, which we consider to be a reasonable density and typical of most housebuilders' target coverage levels. Build costs are £91 psf inclusive of plot external works, based on a BCIS cost with a 10% uplift for externals. Professional fees are 6% of construction cost and contingencies 5% of construction cost. Sales, marketing and legal fees are 3.5% of sales revenue. Finance has been deducted at 6.5% per annum compounded monthly. Profit

² Persimmon are building out a residential development site in Norton achieving an average sale value of £200 psf (source Rightmove)





is inserted as a fixed cost of 20% of Gross Development Value. The development programme assumes a lead-in period of three months after land purchase, a 6 month build programme followed by a 6 month sale trajectory.

The results are summarised below and show the potential capacity for planning gain across the two sites. They indicate that because of the higher revenue position, a Malton site can generate a greater sum to cover costs of land, abnormals and planning gain than a Norton site. Put another way, assuming a consistent level of site development costs, a Malton site would be able to contribute a greater level of planning gain than a Norton site.

	Notional 1 acre site in Malton	Notional 1 acre site in Norton
Revenue (PSF)	£225	£200
Residual figure available for land, site abnormals and planning gain (GDV less costs and profit)	£865,855	£625,161

Whilst this is not intended to be a definitive guide to the level of planning gain that could be generated on any particular site, it does suggest a greater capacity for sites in Malton to deliver planning gain if all other development costs are equal. It also serves to underline the importance of confirming the overall site abnormal development costs in reaching a conclusive position on the planning gain potential.

Therefore, the potential of site 649 to deliver a fully compliant level of planning obligations has not been proven (and indeed is significantly in doubt) and there is no evidence to suggest that the level of planning gain site 649 could generate would be favourable to that provided on site 218.

Is there a particular configuration of sites which the Council should consider?

Sites 218 and 249 are the most appropriate sites to meet the current need for housing in Malton and Norton. They are both developable, being in a suitable location for housing with a reasonable prospect that they are available and can be viably developed.

The concerns around the viability of development of site 218 are limited to the provision of Affordable Housing and not the delivery of suitable mitigation required to make the development acceptable in planning terms. Notwithstanding the fact that no evidence has been provided to prove that site 649 would achieve a higher percentage of Affordable Housing, the normal fluctuations in market values and build costs which impact on development viability and the continual changes in National Planning Policy regarding the delivery of Affordable Housing mean that the Council should not pre-judge the future capability of site 218 to deliver Affordable Housing at this stage in the allocations process.

Other matters of difference related to the development of site 218 are design issues which can and must be resolved through a planning application, and not as part of the sites allocation process.

It has been demonstrated that there are significant advantages to the development of sites 218 and 249, including the provision of a Primary School in the most suitable location for Malton and Norton, where there is already clear need for this facility.





Site 218 has been proven to be capable of delivering a significant proportion of the houses needed, with employment, open space and community uses, without detrimental impact on the highway network or AQMA. This is without quantifying the potential highway and air quality benefits of locating additional primary education to the west of Malton, where there is already significant proportion of residential development currently located, upward to 2km from the nearest existing Primary School.

Conversely, the other sites being promoted would not deliver the same benefits being located in less suitable locations.

Development of circa 578 dwellings and a primary school on site 649 would have a significantly increased impact on the AQMA and wider highway network. Residents from the site would have to travel through a rail crossing, two bridges and the AQMA to access key services in the town centre. Further, whilst it is acknowledged that the link road (a requirement of development on site 649) would encourage the use of the Brambling Fields Junction to access the A64, a proportion of residents will inevitably still travel through the Welham Road and Butchers Corner Junctions to access employment destinations in Malton and the wider area; whilst some will prefer to take this route to access other junctions of the A64, particularly during peak holiday season when the A64 is itself congested.

This situation is exacerbated by locating a Primary School on site 649, which would have to service existing demand for primary school pupil places in Malton (not capable of being met by current provision) and additional demand generated by the development of one of the other sites (all of which are located in Malton), required to meet the overall residual housing need of 726 dwellings.

This is notwithstanding other issues associated with sites 649 and 324 as set out in the Sites Assessment Methodology including: access, noise, odour, land assembly and the potential for future restrictions to employment uses arising from complaints associated with the introduction of significantly more residential development adjacent existing established businesses, contrary to NPPF paragraph 123.

It is therefore clear that sites 218 and 249 should be allocated to meet the current need for residential development in Malton and Norton.

Yours Sincerely

Hannah Andrew
Associate
For and on behalf of WYG

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