

## **Extraordinary Planning Committee**

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Held at Council Chamber, Ryedale House, Malton  
Thursday 21 August 2014

### **Present**

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Councillors Arnold (Substitute), Mrs Burr MBE, Mrs Frank (Vice-Chairman), Hope, Richardson, Mrs Sanderson, Wainwright (Substitute) and Woodward

Substitutes: Councillor S Arnold (for Councillor J Windress) and Councillor CR Wainwright (for Councillor B Maud)

### **In Attendance**

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Jo Holmes, Gary Housden, Mel Warters and Anthony Winship

### **Minutes**

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64 **Apologies for absence**

Apologies were received from Councillors Windress, Maud and Hicks.

65 **Declarations of Interest**

The following Members' indicated that they would be declaring interest under the Members' Code of Conduct in respect of the following item.

<b>Councillor</b>	<b>Application</b>
Arnold	4, 5, 6, 7
Hope	4, 5, 6, 7
Sanderson	4, 5, 6, 7
Burr	4, 5, 6, 7
Woodward	4, 5, 6, 7
Richardson	4, 5, 6, 7
Wainwright	4, 5, 6, 7
Frank	4, 5, 6, 7

66 **Schedule of items to be determined by Committee**

The Head of Planning & Housing submitted a list (previously circulated) of the applications for planning permission with recommendations there on.

67 **14/00426/MOUTE - Land At Edenhouse Road, Old Malton, Malton**

**14/00426/MOUTE** - Erection of new livestock market (sui generis) comprising circa. 2,850 sq m floorspace: Agricultural Business Centre comprising circa. 6,010 sq m of floorspace for uses within Use Class A1, A2, A3, D1, B1, B2, B8 and agricultural vehicle sales (sui generis); and new Business Park comprising circa. 19,040 sq m of floorspace for uses within Use Class B1, B2, and B8 including premises for The Ginger Pig comprising 1,790 sq m of floorspace (for uses falling within Class B1, B2, B8 and A1) along with (in respect of all elements) all associated development including drainage, provision of services, landscaping, boundary treatments, attenuation ponds and access and associated highway works. (Site area 17.8ha).

The Head of Planning & Housing updated Members on late representations received from third parties and outstanding consultees in respect of this application.

In addition to matters already raised in the report, Members were advised of a late objection relating to the application of the sequential approach relating to town centre uses because the application included some elements of Use Class A1, A2, A3, D1 and Class B1 office uses on the livestock market and associated agri-business centre and also on the proposed business park.

The Head of Planning & Housing clarified the following matters which were also covered in the proposed suggested conditions circulated with the Late Pages and in the verbal update reported to the meeting.

In particular, the Head of Planning & Housing drew attention to the proposed planning conditions which are imposed to ensure that the units are occupied in the manner intended.

1. No more than 25% of the floorspace of the Agri Business Units to be occupied for Class A1 use. Such use to be restricted by a further planning condition limiting the range of goods to the sale of agricultural supplies including tools and equipment, animal feed, country sports equipment and associated clothing.
2. No more than 10% of the floorspace of the Agri Business Units to be occupied for Class A2 use i.e. a rural land agent office, auctioneers office or similar.
3. No more than 10% of the floorspace of the Agri Business Units to be occupied for Class A3 use i.e. as an ancillary cafe.
4. No more than 25% of the floorspace of the Agri Business Units to be occupied for Class B1 use with additional restriction on maximum unit size.
5. No more than 50% of the floorspace of the Agri Business Units to be occupied for Class D1 use i.e. a veterinary practice and/or agricultural education facility.

6. No more than 50% of the floorspace of the Agri Business Units to be used for the sale of agriculture vehicles or machinery (Sui Generis).

Similarly, and for the avoidance of doubt, the new Business Park comprises 19,040sq. metres of floorspace in respect of which flexible planning permission is sought for Class B1, B2 and B8 uses. No limit on Class B2 and B8 is proposed albeit a maximum of 4,000sq. metres of floorspace within Class B1 should be set by planning conditions. That maximum is assumed in the Transport Assessment.

The Head of Planning & Housing advised Members of the application of National Planning Policy set out in the NPPF, with particular regard to Paragraphs 24 to 26.

The Livestock Market and Agri-Business Centre supports the retention of the livestock market in the district and is well located to the town. The proposal is well located to the road network and was not considered to harm its character, landscape setting or amenities of any residents. The new livestock market does not require a town centre location or the application of the sequential approach. The associated Agricultural Business Centre is inextricably linked to the livestock market and Members agreed that it should not be treated separately. The development as a whole, cannot be disaggregated and could not be located in a town centre on edge-of-centre site.

The Business Park element on the eastern site could provide up to 4,000sq. metres of B1 offices. Members were advised that the Local Plan Strategy identifies the need for 29.6 - 36 hectares of employment land at the town as set out in the officer report. The Eden Camp locality is identified as suitable for employment uses in the Council's evidence base (Employment Land Review and Update Report) and is also identified as a good site for high quality employment development. The employment uses are consistent with the strategy and it was considered inappropriate to disaggregate individual office units in terms of the sequential approach. A condition is imposed, however, to limit the amount of B1 office uses to that proposed in the application.

None of the development was considered to harm the vitality or viability of the town centre. The levels of retail floorspace are also limited by type of products sold and comprises a relatively small percentage of the identified requirement for non-food floorspace set out in the Local Plan Strategy. The potential for additional linked trips to the town was also noted.

Members were also advised of the comments made by the Council's Regeneration Manager and the comments of the Local Economic Partnership, drawing attention to the significant additional job creation anticipated for the new employment uses.

Against this background, the proposals were considered to have a beneficial impact on the town and that there would be no adverse impacts on the vitality and viability of the Malton town centre.

### Decision

That the application be notified to the Secretary of State under the Town & Country Planning (Consultation)(England) Direction 2009 and that, consequent upon the Secretary of State deciding not to intervene and require that the planning application be referred to him, outline planning permission be granted subject to:

a. The completion of an agreement between the applicant and the Council and any other party pursuant to S106 of the Town & Country Planning Act 1990 and subject to the Council Solicitor being authorised to negotiate with the applicants regarding such agreements to secure:

Local highway improvements

b. Conditions as set out in the report subject to the Council Solicitor being authorised to negotiate further with the applicant regarding the detailed wording of such conditions as required and to (a) make such amendments to the detailed wording of those conditions; and (b) to add any further conditions not listed below, as necessary, and agreed with the applicant.

[For 6 Against 1 Abstain 1]

In accordance with the Members' Code of Conduct Councillors Arnold, Hope, Mrs Sanderson, Mrs Burr, Woodward, Richardson, Wainwright and Mrs Frank declared a personal non pecuniary but not prejudicial interest.

#### 68 **14/00427/MOUTE - The Showfield, Pasture Lane, Malton**

**14/00427/MOUTE** - Demolition of existing buildings and structures and erection of circa 227 residential dwellings (Use Class C3) along with all associated development including drainage, landscaping, cut and fill, formation of earth bund, boundary treatments (including noise mitigation measures) provision of services and access and associated highway works (site area 11.90ha).

The Head of Planning & Housing updated Members on late representations received from third parties and outstanding consultees in respect of this application.

The Head of Planning & Housing clarified a number of matters which were also covered in the proposed suggested conditions circulated with the Late Pages and in the verbal update reported to the meeting.

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended and Section 106 Agreement relating to developer contributions.

[For 6                      Against 1                      Abstain 1]

In accordance with the Members' Code of Conduct Councillors Arnold, Hope, Mrs Sanderson, Mrs Burr, Woodward, Richardson, Wainwright and Mrs Frank declared a personal non pecuniary but not prejudicial interest.

**69                      14/00428/MOUTE - Land South of Westgate, Old Malton, Malton**

**14/00428/MOUTE** - Demolition of existing buildings and structures, conversion of retained buildings to residential dwellings and erection of new residential dwellings (Use Class C3) (circa 35 dwellings in total) along with all associated development including drainage, landscaping, boundary treatments, provision of services and access and associated highway works (site 2.0ha).

The Head of Planning & Housing updated Members on late representations received from third parties and outstanding consultees in respect of this application.

The Head of Planning & Housing clarified a number of matters which were also covered in the proposed suggested conditions circulated with the Late Pages and in the verbal update reported to the meeting.

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended and Section 106 Agreement relating to developer contributions.

[For 5                                      Against 2                                      Abstain 1]

In accordance with the Members' Code of Conduct Councillors Arnold, Hope, Mrs Sanderson, Mrs Burr, Woodward, Richardson, Wainwright and Mrs Frank declared a personal non pecuniary but not prejudicial interest.

70 **14/00429/MOUTE - Land At Rainbow Lane, Malton**

**14/00429/MOUTE** - Erection of circa 50no. affordable residential dwellings (Use Class C3) along with all associated development including drainage, landscaping, formation of earth bund, boundary treatments (including noise mitigation measures) provision of services and access and associated highway works (site area 3.4 ha).

The Head of Planning & Housing updated Members on late representations received from third parties and outstanding consultees in respect of this application.

The Head of Planning & Housing clarified a number of matters which were also covered in the proposed suggested conditions circulated with the Late Pages and in the verbal update reported to the meeting.

**Decision**

**PERMISSION GRANTED** - Subject to conditions as recommended and Section 106 Agreement relating to developer contributions.

[For 8 Against 0 Abstain 0]

In accordance with the Members' Code of Conduct Councillors Arnold, Hope, Mrs Sanderson, Mrs Burr, Woodward, Richardson, Wainwright and Mrs Frank declared a personal non pecuniary but not prejudicial interest.

**Meeting Closed 9.25pm**