

Item Number: 7
Application No: 15/00612/MREM
Parish: Malton Town Council
Appn. Type: Approval of Reserved Matters Major
Applicant: Fitzwilliam Malton Estate (Mr Roddy Bushell)
Proposal: Demolition of existing livestock market and erection of retail units, three storey car park and public square (outline approval by Appeal Ref: APP/Y2736/A/12/2174677 dated 29.10.2012 following refusal 11/00412/MOUT dated 12.04.2012 refers)
Location: Malton Livestock Market Cattle Market Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 27 August 2015
Overall Expiry Date: 29 July 2015
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

NY Highways & Transportation	Comments made
North Yorkshire Police Architectural Liaison Officer	Recommend conditions.
Historic England	No comments to offer.
Building Conservation Officer	No Objection
Sustainable Places Team (Yorkshire Area)	No objection
Archaeology Section	Advise that WSI is carried forward and undertaken in advance of development commencing.
Land Use Planning	Comments and conditions to be attached to any planning permission granted
Environmental Health Officer	Initial points and concerns raised
Parish Council	No response
Highways North Yorkshire	Comments made

Neighbour responses: Mrs C Woodhouse, Mrs Julie Stockdale, Miss B Foley,

SITE:

The site extends to approximately 0.9 hectares in area and is located adjacent to the boundary of the Town Centre Commercial Limits identified on the saved proposals map in the Ryedale Local Plan. Large areas of the site are hardstandings, with open-air animal pens and parking areas. There are also two commercial 'bams' at each end of the site and other smaller buildings.

The site is bisected by Spital Street and The Shambles. The Shambles continues as a pedestrian link into the Market Place.

There are terraced properties abutting the site on Victoria Road and other residential and commercial properties face the site along Horsemarket Road. Residential and commercial properties also exist on Spital Field Court and Newgate. The eastern site boundary abuts the rear of properties located in Market Place, many of these properties are listed and located within the designated Conservation Area. The Spotted Cow public house is also Grade II listed and immediately abuts the application site.

PROPOSAL:

This application is for the approval of reserved matters following the grant of outline planning permission of the demolition of the existing livestock market including associated buildings and redevelopment of the site for retail with 3-storey car-parking and public square.

The outline planning permission was granted on appeal on 25th October 2012 following the earlier refusal of the application.

The earlier outline permission included the 'detail' of access as part of the submission and was considered to be acceptable by the Inspector subject to the implementation of a number of planning conditions relating to highway matters, mainly covered by Conditions No 5 -8(inc) in the decision letter.

The other reserved matters relating to layout, scale, appearance and landscaping remain to be approved.

Whilst the appeal application was submitted in outline it was accompanied by a number of detailed documents and illustrative information which the Inspector considered as part of his deliberations. At the time a detailed Design and Access Statement had been submitted (with addendum) a PPS 5 Assessment and a Heritage Statement addendum and illustrative plans and elevations.

The current application seeks approval for all of the outstanding reserved matters. Members may also wish to note that to date the applicant has separately applied to discharge Conditions Nos. 6, 8, 9, 10, 12 and 13 of the outline planning permission.

The reserved matters application is accompanied by a detailed set of plans and elevations which are appended in full to this report, together with a 'street views' drawing.

The submission of this reserved matters application follows a series of pre-application discussions with the developer. A covering letter dated 20th May 2015 from the agents White Young Green accompanies the application and is also attached for Members information.

This reserved matters scheme has been screened in the light of The 2011 Environmental Impact Regulations and the Town and Country Planning (E I A) (Amendment) Regulations 2015. The amended thresholds now mean that this development is below the threshold set out within Schedule 2. Even taking account of other live retail applications it is not considered that this site in combination with others comprises E I A development.

RELEVANT HISTORY:

11/00412/MOUT: Outline Application for demolition of Livestock Market and associated outbuildings and redevelopment for retail use together with three storey car park and public square (site area 0.9 ha) - Refused 12.04.2012. Allowed on Appeal 29.10.2012

POLICY:

NPPF - National Planning Policy Framework

NPPG - National Planning Practice Guidance

Ryedale Plan - Local Plan Strategy

The principle of development has already been accepted by the grant of outline planning permission. It is considered therefore that the following development plan policies are relevant to the consideration of the remaining reserved matters.

Policy SP 12 - Heritage

Policy SP 16 - Design

Policy SP 18 - Renewable and Low Carbon Energy

Policy SP 19 - Presumption in Favour of Sustainable Development

Policy SP 20 - Generic Development Management Issues

It is also necessary to note that the reserved matters scheme proposals for 1,695 square metres of comparison goods floor space (Comprising Units 1, 2, & 3). This exceeds the minimum requirement of 1,575 sq metres stipulated by the Planning Inspector in Condition 16 of the appeal decision letter.

APPRAISAL:

Whilst the outline permission did not approve the reserved matters in respect of layout, scale, appearance and landscaping it is of note (as explained earlier in the report) that the outline application was accompanied by a significant amount of additional documentation and plans which the Inspector was able to consider.

Indeed, the Inspector saw fit to impose Condition No 4 which stated:-

4. The details to be submitted for approval of the matters reserved by Condition 1 above shall follow the principles and parameters set out in the plans and the accompanying documents, namely:
 - i) the Design and Access Statement (DAS) (April 2011)
 - ii) the PPS5 Assessment and DAS Addendum (July 2011)
 - iii) the Development Schedule (September 2012)
 - iv) the drawings numbered 185-15, 185-22, 185-23, 185-24 and
 - v) the indicative drawings numbered 185-25 and 185-26

Following the grant of the outline planning permission a pre-application proposal was submitted to the Local Planning Authority and this has resulted in the submission of the current reserved matters application which is considered to satisfy the 'principles and parameters' as required by Condition No 4 above.

Heritage/Design Issues

The design approved closely follows the principles and parameters set out in the Design and Access Statement. Detail discussion in respect of the design and appearance of the scheme have evolved through pre-application meetings with officers. The Councils Building Conservation Officer had made two detailed design comments in respect of the column bases and fascia detailing (shown on Elevation A) and also the proposed treatment of the fascias and shop windows.

The applicant has responded to both of these detailed comments by stating:

"Firstly, concern was raised regarding the bulky column bases and elaborate fascia detailing on elevation A. The bulky appearance comes from a partial rustication of these columns facing the public square and is deliberate to denote strength and bulk, reflecting the role of the column within the architecture of the building (i.e. a supporting structure). This approach is not unusual and there are many examples of this around the world. Reducing the bulk would, in our view, create an incongruous feature.

Secondly a concern has been raised regarding contrast between the heavily detailed cornice / fascia and the simple treatment of the shop windows. This approach is similarly not unusual in traditional architecture, including classical work, which relies on relationships i.e. plainness is emphasised when in contact with something more elaborate. The frontage of unit 2 is deliberately plain to reflect the existing elevation of The Spotted Cow (Grade II Listed Building). The fascia detailing is more elaborate to draw the eye to the entrance of this unit, and tie it to the wider development without detracting from the existing listed building adjacent. This play between two styles provides interest."

Having reconsidered the scheme in the light of this response the Councils Building Conservation Officer raises no objection to the proposals on design or heritage grounds.

Members will also note that Historic England have considered the scheme and do not wish to offer any comments. Their recommendation is that the application should be determined in accordance with National and Local Policy Guidance and on the basis of the Councils specialist conservation advice.

Access/Traffic Issues

Access has already been considered as part of the outline approval. The applicant has also separately submitted a discharge of conditions application to deal with Conditions 6 and 8 of outline permission which are being considered by NYCC-Highways. In respect of the reserved matters proposal NYCC - Highways has made the following comments:-

1. Use of non-standard materials within the existing or proposed highway would generally not be acceptable due to the additional long term maintenance costs.
2. The layout of the new footways on Newgate should take into account the proposed one way system for Spital Street.
3. A delivery route is required through the site to facilitate access to the new retail units.
4. A suitable area to accommodate deliveries off Newgate to the back of the properties fronting the Market should be provided.
5. The remaining section of highway opposite Mount Road should be amended to ensure parked cars do not park and block access or use as a drop off area unless a suitable turning facility is provided

Further plans and details have been submitted to address these comments and the final clearance of NYCC - Highways is awaited. Members will be updated on the Late Pages or at the meeting.

Archaeology

The outline permission required the submission of a scheme for archaeology evaluation (Condition No 13) prior to the permission of the reserved matters. The condition discharge application was made as required and the Historic Environmental Team at NYCC approved a Written Scheme of Investigation for archaeological excavation and watching brief proposed by MAP Archaeological Practice on 9th June 2015.

Secured by Design Issues

The Police Designing Out Crime Officer has submitted a report in relation to the application, together with a crime and disorder analysis. The full report can be viewed on the Councils website. Whilst the appeal decision did not include a condition relating to the prevention of crime and disorder the agent has confirmed that the car park will be closed at night to prevent entry and this will deter anti-social behaviour. The agent has confirmed, however, that this and remaining detailed comments set out can be dealt with by conditions and that the applicant is happy to liaise with the Designing Out Crime Officer on these matters

Residential Amenity - Noise/disturbance

The scheme has been considered by the Councils' Environmental Health Officer who initially made some detailed comments relating to potential noise and disturbance. Detailed matters relating to fixed plant and equipment and a Noise Management Plan are being dealt with separately through on-going discussions for the discharge of Conditions 9 and 10 of the appeal decision. As mentioned above, however, the car park entrance and exits will be closed with shuttered doors in order to prevent anti-social behaviour in the evening and at night.

Whilst discussion are on-going in respect of the discharge of conditions the reserved matters scheme is considered to satisfy the requirements of Policies SP6 and 20 of the Local Plan Strategy.

Residential Amenity - Scale/Form/Privacy

The site is located close to a mix of existing residential and commercial uses as detailed earlier in this report. The Inspector considered various aspect of the potential impacts on adjacent residents as part of the outline proposals. In particular Condition No.18 make explicit reference to the boundary with houses on Victoria Road. Condition No 18 states:-

- 18 The boundary with the houses on Victoria Road shall be formed on the line of the existing boundary wall, or in any other event not closer to the houses than the same boundary wall. The boundary shall consist of a wall (to maximum eaves level 40.950m Ordnance Datum with roof on top (maximum 43.250m Ordnance Datum to ridge height) as indicated in Drawing No 185-27, accompanying the application.

Members will note from the agents submission letter and from the submitted plans and elevations that the eaves and ridge levels of the car park comply with the datum heights of 40.95m and 43.25m specified in the Condition. Elevation G (along Newgate) and Section B shows the relationship of the new building in relation to the rear of properties in Victoria Road. Members will note that there are no openings shown on this elevation and it is considered therefore that there are no privacy/overlooking issues that could arise as a result of this aspect of the scheme. The mass of new car park building will be apparent to the adjacent residents in Victoria Road. However, the eaves and apex heights of the nearest part of the car park building comply with the requirements of the outline permission and the scheme is therefore considered to be acceptable. Moreover, officers consider that rejection of the reserved matters scheme in this respect would be unreasonable in the light of the earlier appeal decision.

Other Matters

The proposed roofing material for the main retail unit is a lead grey coloured roof membrane with solar PV panels being proposed to the south facing roof slope (these are shown on the roof plan Drawing 185 - 44c). The Building Conservation Officer is content with this material and the principle of locating solar PV panels in the roof. It is anticipated that the panels will be black in colour and also likely to be positioned on the flat section of roof of Units 2 and 3. Full details of the measures to reduce CO₂ emissions and other measures to address sustainability issues will be submitted to discharge the specific requirements of Condition 17 of the appeal decision.

Third Party Comments

Malton Town Council has made no response to the consultation.

The occupiers of Nos. 6, 10 and 12 Victoria Road have made representations expressing concerns and some objections to the scheme. Their full responses can be viewed on the Councils' website. Issues raised include:

- Objection to the multi-storey car park
 - scale
 - impact on on-street parking
- Concern over roundabout/delivery vehicles
- None impact from car park / air pollution
- Loss of privacy/overlooking
- Concerns during building works/demolition
- Vibration from construction/land stability
- Car park must be locked at night
- 'Lane' should be widened at the back of Victoria Road

The consideration of the outline application dealt with many of these issues and the development was accepted in principle subject to numerous planning conditions.

The detailed approach has addressed matters of scale, layout and design and it is considered that the proposal is acceptable on the basis of the submitted plans, subject to receipt of the final comments from NYCC-Highways.

Conclusion

This reserved matters application is considered to comply with the requirements of the outline permission and the details shown in the reserved matters submission are considered to comply with the policies contained in the adopted development plan. There are no other material considerations to warrant a deviation from the adopted plan.

RECOMMENDATION: Approval subject to receipt of final observations of NYCC - Highways and subject to the following conditions

- 1 Prior to the commencement of works on site details of how the developer proposes to address the issues raised in the Police Designing Crime Officers Report 2nd July 2015 shall be submitted to the Local Planning Authority for approval. The approved measures shall be implemented in full prior to the first use of the development hereby approved.

Reason: In order to satisfy para 58 and 59 of the NPPF and to reduce the risk of crime and anti-social behaviour.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Red Line Plan
Drawing no. 185-15
Drawing no. 185-41c
Drawing no. 185-43c
Drawing no. 185-42d
Drawing no. 185-44c
Drawing no. 185-45d
Drawing no. 185-46c
Drawing no. 185-47

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

- 1 The applicant/developer is advised to take account of the consultation response of Yorkshire Water dated 10.06.2011 to the associated outline planning application - 11/00412/MOUT.
- 2 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties