



Ref: HA/A092100

Date: 20<sup>th</sup> May 2015

FAO Gary Housden  
Ryedale District Council  
Ryedale House  
Old Malton Road  
Malton  
YO17 7HH

Dear Gary,

**Reserved Matters Application for Demolition of Existing Livestock Market and Associated Outbuildings and Redevelopment for Retail Use Together with 3 Storey Car Parking and Public Square at the Livestock Market site, Malton**

**Outline Application Reference: 11/004120MOUT & APP/Y2736/A/12/2174677**

I am pleased to submit our reserved matters application for the redevelopment of the livestock market site.

This follows extensive pre-application discussions with RDC and the submission of a number of applications to discharge conditions, including condition 13 which is required to be submitted in advance of the reserved matters application.

For the avoidance of doubt the schedule attached to this letter provides the current position regarding condition discharge.

The package of information provided to with this reserved matters application includes:

- Basement Floor Plan Ref: 185-41b
- Ground Floor Plan Ref: 185-42c
- First Floor Plan Ref: 185-43b
- Roof Plan Ref: 185-44b
- Elevations and Sections Ref: 185-45c
- Elevations and Sections Ref: 185-46b
- Street Views Ref: 185-47

The design of the proposed has evolved in response to occupier requirements, more detailed site and construction information and pre-application discussions with the Council. The principles and parameters set out in the Design and Access Statement (April 2011), PPS5 Assessment and DAS Addendum (July 2011), Development Schedule (September 2012) and drawings 185-15, 185-22, 185-23, 185-24, 185-25 and 185-26 have been followed as required by Condition 4 of the appeal decision.

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Condition 16 requires a minimum of 1,575 m<sup>2</sup> (GIA) of comparison goods floorspace. The total floorspace of units 1, 2 and 3 is 1,695 m<sup>2</sup> (GIA) which is more than sufficient to enable compliance with this condition.

The height of the ridge and eaves of the car park, at the boundary with Victoria Road, is 43.250 and 40.950 respectively as required by Condition 18.

The design also conforms to the Design Code provided in the PPS5 Assessment Addendum (March 2012) Section 4, although this was not subject to a specific condition.

The palette of materials for the proposed will include local bricks, lime mortar, limestone and sandstone, lime render, clay pantiles and wooden and metal windows. Notwithstanding this, it is proposed to use a lead grey, single sheet roof membrane for the main retail unit with solar PV panels fixed to south facing roof slopes. The choice of this material has resulted from the detailed design process and is related to load bearing issues, whereby a requirement to reduce the overall weight of the proposed was identified. This area of roofscape is the largest in the development but also the least visible, being partially hidden from view at street level by other buildings and the parapet. More visible areas of roofscape remain clay pantile, retaining the traditional appearance of the development. The minimal impact of this change is clearly illustrated in the Street Views provided.

The inclusion of Solar PV responds to the requirements of Condition 17 whereby a 10% reduction of predicted CO<sub>2</sub> emissions is required. We are investigating the options but anticipate the panels will be black in colour, arranged to all south facing roof elevations on the main building, service yard and the flat roofs of units 2 & 3 (facing south). This layout allows for a total system size of 146.9 kWp with a forecast output of 129,566 kWh, providing significant CO<sub>2</sub> savings and supporting the overall sustainability of the development. A report setting out the overall approach to sustainability measures, to fully comply with Condition 17 will be submitted under a separate discharge of condition application prior to development commencing.

The change in roofing materials and the inclusion of solar PV has been accepted in principle by the Building Conservation Officer through the pre-application process (written response attached).

The final detailed design was well received at the pre-application meetings with officers including the Building Conservation Officer supportive of the scheme. Only minor issues were raised relating to design detailing and signage (which will be the subject of a separate application). The following seeks to respond to these final issues:

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.





We have also provided street views of the development as it will look when complete; these are in colour as requested.

The proposed is in compliance with the principles and parameters of the design approved by the outline application and the relevant conditions applied. It is also in compliance with Local Plan Strategy policies including, but not limited to, SP12 Heritage, SP15 Green Infrastructure, SP16 Design and SP18 Renewable and Low Carbon Energy. On this basis we consider the granting of planning permission is appropriate.

If there are any concerns relating to the information submitted I would be grateful if you would contact me on 0113 219 2250, to enable the application to be validated.

Yours Sincerely,

Hannah Andrew  
Associate  
For and on behalf of WYG

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**Decision Notice Ref: 2174677 (App: 11/00412/MOUT)**

No	Text	Status
1	Approval of the details of the layout, scale, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out as approved.	Reserved Matters Application Submitted
2	Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.	Reserved Matters Application Submitted
3	The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.	
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.	Reserved Matters Application is in general conformity with the principles and parameters set out.
5	No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access has been constructed to basecourse macadam level and kerbed and connected to the existing highway network with street lighting installed and in operation. All road works, including any phasing, shall be completed in accordance with a	Information to be submitted under a separate application

No	Text	Status
	programme approved in writing with the Local Planning Authority in consultation with the Local Highway Authority.	
6	<p>There shall be no excavation or other groundworks, except for investigative works, remediation works or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:</p> <ul style="list-style-type: none"> <li>i) the details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority;</li> <li>ii) an independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations;</li> <li>iii) a programme for the completion of the proposed works has been submitted.</li> </ul> <p>The required highway improvements shall include:</p> <ul style="list-style-type: none"> <li>a) provision of a mini roundabout at the Spital Field Court/Victoria Road/Middlecave Road junction, with associated parking restrictions on Victoria Road.</li> <li>b) provision of 2m wide footways along the site frontages on Horsemarket Road, Spital Field Court and Newgate.</li> <li>c) formation of new private accesses from the development hereby approved, onto Horsemarket Road, Spital Field Court and Newgate.</li> </ul> <p>The required highway improvements shall be completed prior to the development hereby approved being brought into use.</p>	<p>Condition discharge application for part A was submitted 4<sup>th</sup> August 2014</p> <p>The remaining information has been submitted for discharge 18<sup>th</sup> May 2015</p>
7	<p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide</p>	<p>Information to be submitted under a separate application</p>

No	Text	Status
	for: i) the parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; v) wheel washing facilities; vi) measures to control the emission of dust and dirt during construction; vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; viii) proposed dates, times and duration of all piling operations.	
8	Prior to the retail units hereby approved being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include: i) the appointment of a travel co-ordinator; ii) a partnership approach to influence travel behaviour; iii) measures to encourage the use of alternative modes of transport other than the private car by persons to the site; iv) provision of up-to-date details of public transport services; v) continual appraisal of travel patterns and measures provided through the travel plan; vi) improved safety for vulnerable road users; vii) a reduction in all vehicle trips and mileage; viii) a programme for the implementation of such measures and any proposed physical works; ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance. The Travel Plan shall be implemented and the development shall	Discharged 30 <sup>th</sup> June 2014

No	Text	Status
	thereafter be carried out and operated in accordance with the Travel Plan.	
9	Prior to the operation of the retail outlets hereby approved a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter adhered to. The submitted Noise Management Plan shall specify retail unit opening hours and shall include measures to be implemented at the site to minimise noise disturbance to local residents from deliveries, car parking (including consideration of operating hours and physical enforcement measures as required) and servicing requirements.	Submitted 18 <sup>th</sup> May 2015
10	No fixed plant and/or machinery associated with the development hereby permitted shall come into operation until a scheme containing details of the fixed plant and machinery serving the development hereby permitted together with associated mitigation measures has been submitted to and approved in writing by the Local Planning Authority. This scheme will include the anticipated rating level of plant noise emitted from the site between the hours of 23.00 and 07.00 and separately between 07.00 and 23.00 when assessed at the nearest noise sensitive property. The measurements and assessment shall be made in accordance with BS 4142: 1997. No further fixed plant and or machinery shall be operated. There shall be no operation of external generators.	Submitted 18 <sup>th</sup> May 2015
11	Prior to the development hereby permitted being brought into use an external lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority, such scheme to be implemented in	Information to be submitted under a separate application

No	Text	Status
	accordance with the approved details prior to the development being brought into use.	
12	No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.	Condition discharge application submitted: 4 <sup>th</sup> August 2014
13	The details submitted in pursuance of condition 1 shall be preceded by the submission to the Local Planning Authority for approval in writing, and subsequent implementation, of a scheme of archaeological investigation to provide for: i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area; ii) An assessment of the impact of the proposed development on	Part i) discharged 3 <sup>th</sup> June 2014 Final report submitted for discharge 18 <sup>th</sup> May 2015



No	Text	Status
	<p>any archaeological remains; This shall be followed by the submission of: iii) Proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the analysis and publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible. These proposals shall be approved by the Local Planning Authority in writing and implemented before any development commences.</p>	
14	<p>The method statement described in section 4.2 of the bat report dated August 2010 should be followed.</p>	
15	<p>No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority. These foul and surface water drainage works shall then be carried out in accordance with the approved details and programme.</p>	<p>Information to be submitted under a separate application</p>
16	<p>The development hereby approved shall provide a minimum of 1,575 sqm (gross internal area) of comparison goods floorspace.</p>	<p>The Reserved Matters Application meets the requirements of this condition</p>
17	<p>No development of any phase of the development hereby permitted shall take place until a report has been submitted to, and approved by, the Local Planning Authority, identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment, sustainable building techniques and/or other sustainability</p>	<p>The Reserved Matters Application includes Solar PV and a full sustainability report will be submitted demonstrating compliance with this condition under a separate discharge of condition application.</p>

No	Text	Status
	measures. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. The development shall then proceed in accordance with the approved report.	
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.	The Reserved Matters Application meets the requirements of this condition.