

Item Number: 8
Application No: 16/00054/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Fitzwilliam Malton Estate (Mr Roddy Bushell)
Proposal: Erection of linking extension between the Talbot Hotel and York House comprising of a basement level event hall with ground floor level dining hall above, regrading and reconstruction of the terraced garden to the south of York House to allow for outdoor events, change of use and alteration of York House to form additional guest bedrooms and associated facilities for the Talbot Hotel together with demolition of outbuilding, walls and toilet block
Location: Talbot Hotel & York House Yorkersgate Malton North Yorkshire YO17 7AJ

Registration Date:
8/13 Wk Expiry Date: 1 April 2016
Overall Expiry Date: 28 August 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Society Protection Of Ancient Buildings (SPAB) Object
Ancient Monuments Society No comments received to date
The Council For British Archaeology recommend archaeology assessment in advance of determination
Countryside Officer No objection
Environmental Health Officer No objection
Archaeology Section Written Scheme of Investigation and recommended conditions
The Georgian Group Object
Natural England No comments to make
Town Council No objection
Natural England Natural England has no comments to make on this application.
Building Conservation Officer No objection - Recommend Conditions
Historic England The proposals overall would cause less than substantial harm to the significance of the designated heritage assets affected
Highways North Yorkshire Recommend condition
Economic Development Support
Twentieth Century Society No comments received to date
Garden History Society No comments received to date
Yorkshire Gardens Trust Object
Neighbour responses: Mr Nigel Copsey,

1.0 SITE

1.1 The application site is situated on the southern side of Yorkersgate within Malton Conservation Area. It comprises a yard between York House (41 Yorkersgate), 43 Yorkersgate and the Talbot Hotel.

1.2 To the north is a mixture of residential and commercial properties. To the east is an access to Navigation Wharf, which leads to Owstons warehouse, and to parking and outbuildings which lie to the rear of 28 to 38 Yorkersgate. There is also a rear access to York house and the Talbot. The River Derwent runs at the bottom of the gardens associated with York House and The Talbot. The railway line lies beyond, with housing on Riverside, Norton further south.

1.3 York House, The Talbot Hotel and the associated forecourt walls, piers, gates and railings to the front of York House are three Grade II* listed structures. The garden wall extending southwards from the south eastern corner of the Talbot Hotel, 43 Yorkersgate, the terrace wall with garden steps linking the upper and middle terrace to the rear of York House, and the eastern garden wall to York House are grade II listed.

1.4. The Talbot is in use as a hotel. It is understood that York House was an important town house for much of its history. It was subdivided into offices for a local firm of solicitors in 1967 but was last used as offices over ten years ago. Since that time it has been disused, although more recently it was subject to a programme of investigation and repair that has left it structurally sound. The Design and Access statement demonstrates the importance of York House and The Talbot Hotel along with the associated buildings by stating:

"York House occupies a prominent position within Malton and, as a result of its elevation above the flood plain, to the railway and river further south.

Its front elevation faces Yorkersgate that, as the name suggests, was the old road to York. Along with the Talbot immediately to its west, York House forms one of a set of gateway buildings as one enters the centre of Malton from the west. It is also placed so that the symmetrical frontage is prominent as the lateral termination of Market Street."

1.5 The importance of the Talbot Hotel, and York House is reflected in their listing as grade II*. Indeed only 5.5% of listed buildings are Grade II*

2.0 PROPOSAL

Members are asked to refer to the submitted plans, design and access statement and the Heritage impact Assessment to consider the full scope of the work proposed. However, the main areas for which permission is sought are:

- the erection of a link building between York House and the Talbot Hotel, to enable York House to be used in association with The Talbot, and principally as a wedding venue.
- re-grading and reconstruction of the terraced garden to allow for outdoor events
- change of use and alteration of York house to form additional guest bedrooms with associated facilities and;
- demolition of outbuilding, walls and toilets.
- Use of basement of 43 Yorkersgate as kitchen.

LINK BUILDING

The link building will comprise accommodation on two floors, namely the basement, which will be used as the events hall, together with toilets, stairs and lift, and the ground floor which will provide dining accommodation. A pergola will run along the southern elevation of the link building

The basement of the link building has a footprint of approximately 22m by 11m. The ground floor has a footprint of 13m by 11m narrowing to 6m by 9m. The elevation visible from Yorkersgate will comprise a lime rendered wall set slightly back from the face of York House (approximately 6m to the rear of the footpath edge). The link extension then sits behind the rear of those buildings associated with the Talbot Hotel. In view of this the building will only visible for a gap of approximately 4m. The rendered wall will be topped by a dome which has a diameter of 10m, and will be covered in zinc or similar material.

The height of the structure at ground floor level is 6m to the top of the dome. However it does not extend the full depth of the extension, and therefore the side extension, when viewed from the grounds of York House, has a ridge height of approximately 3.8m topped by a small glazed lantern.

To the rear, (south elevation), the basement and ground floor level of the extension will be visible, and include glazed doors within an arch at basement level, and three sets of glazed doors at ground floor level. The ground floor will be obscured by a pergola that runs along its frontage, and provides a pedestrian link from The Talbot Hotel to York House. It will comprise rendered columns and stone caps and bases.

DEMOLITION OF OUTBUILDINGS AND FORMATION OF OPENINGS IN EASTERN BOUNDARY WALL

To facilitate the erection of the link building, it is proposed to

- demolish early C20 brick tool shed in the service yard
- demolish the screen wall at the southern end of the service yard
- form two pedestrian openings in the eastern boundary wall to York House.
- loss of that part of the culvert within the service yard.

CHANGE OF USE AND REFURBUISHMENT OF YORK HOUSE

- provision of services
- provision of some fire doors
- light weight partition to room on first floor
- new doorway made from room F1 into F"
- sealing of door to room on first floor
- subdivision of roof space to provide individual rooms
- insertion of conservation roof light.

INTERNAL ALTERATIONS TO THE TALBOT HOTEL

Basement:

- section of wall between the basement room of The Talbot Hotel and the west basement of 43 Yorkersgate
- brick and stone stair at head of the tunnel within the service yard will be removed and replaced by metal structure.

Ground floor

- replacement of existing window with door.
- new stairway between ground floor and basement and lift
- new opening in wall.
- break through in eastern boundary wall to the Talbot Hotel.

REGRADEING OF TERRACE TO FACILITATE ACCESS TO THE REAR OF THE LINK BUILDING.

3.0 SUBMISSION

THE APPLICATION WAS ACCOMPANIED BY THE FOLLOWING PLANS AND DOCUMENTS:

- Design and Access Statement
- Historic Building Assessment 2014
- Historic Building Assessment 2016

As a result of comments made by statutory consultees and officers, the following additional documents and plans have been provided:

- Structural Engineering Strategy
- Building Services Strategy, including fire strategy.
- Update to the Historic Building Assessment to include a table of works and impact on Historic environment.
- Revision to the Design and Access Statement.
- Clarification that gardens to the rear of York House will not be re-designed as part of the application. Impact restricted to area of link building.
- Revision to forecourt wall design to delete vehicular access and limit to narrower pedestrian access.
- Visualisations
- Retention of steps within service yard.

HISTORY

History of relevance to the consideration of the current planning and listed building applications:

Applications 11/00230/FUL and 11/00231/LBC - Refurbishment of hotel building to include glazing over of internal courtyard to form atrium, demolition of lavatory block, erection of staircase from upper terrace and metalwork fire escape stairs. - Permission granted.

Application 11/01014/ADV and 11/00231/LBC-Consent granted for the display of 2 no. externally illuminated letter name signs and 1 no. externally illuminated hanging sign.

Application 11/01103/MFUL - Formation of vehicular access through west boundary wall, formation of car park on upper terrace, formation of sunken terrace, formation of service route and other associated landscaping works. Approved

Application 11/01104/LBC Listed Building Consent granted for works within the grounds of the Talbot Hotel and York House to include sunken terrace, opening in north west boundary wall and other associated landscaping works.

Application 14/00320/LBC Consent granted for replacement of stone steps to upper terrace of villa garden and demolition of 1.3m section of boundary wall.

POLICY

This proposal will result in physical alterations to two Grade II* Listed Buildings and a structure (forecourt walls, piers gates and railings).

These applications also directly affect a number of Grade II listed buildings namely the garden wall extending southwards from the south-east corner of the Talbot Hotel, 43 Yorkersgate Malton, and the eastern garden wall to York House. They also affect the setting of the Grade II listed 'terrace wall with garden steps and grotto between the middle and lower terraces of York House' and the 'garden steps linking the upper and middle terrace to the rear'.

It is also of significance that the application site is situated within Malton Conservation Area.

Therefore, in reaching a decision on whether or not to grant planning permission, consideration will need to be had to the Ryedale Local Plan, the provisions of the relevant Sections of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and the NPPF (as well as any other relevant material considerations).

The Local Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. For the purposes of this Application, consideration must be had to the Policies in the development plan.

The Development Plan should be read as a whole, however the following policies are particularly pertinent to the consideration of the application;

SECTION 3	ASPIRATIONS AND STRATEGY
POLICY SP6	DELIVERY AND DISTRIBUTION OF EMPLOYMENT LAND AND PREMISES
POLICY SP7	TOWN CENTRES AND RETAILING
POLICY SP8	TOURISM
POLOICY SP10	PHYSICAL INFRASTRUCTURE
POLICY SP12	HERITAGE
POLICY SP14	BIODIVERSITY
POLICY SP16	DESIGN
POLICY SP17	MANAGING AIR QUALITY, LAND AND WATER RESOURCES
POLICY SP19	PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
POLICY SP20	GENERIC DEVELOPMENT MANAGEMENT ISSUES

The Planning (Listed Buildings and Conservation Areas) Act 1990

There are two elements of the 1990 Act which are of particular relevance in considering whether or not to grant approval for this proposal. The first relates S66(1) of that Act in respect of Listed Buildings. It states:-

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

The second is S72(1) in respect of conservation areas. Section 72(1) states:-

“In the exercise, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

THE NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework is a material consideration in planning decisions.

- Paragraphs relevant to consideration of the economic benefits of the proposal
- The Government’s commitment to sustaining economic growth is set out in Paragraph 19. This states:-
- *“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”.*

APPRAISAL

The main issues in the consideration of the application are:

- The principle of the development
- Design
- Heritage Assessment
- Highway parking considerations
- Ecology
- Amenity issues in relation to neighbouring occupiers.

PRINCIPLE OF DEVELOPMENT

The Design and Access Statement advises that York House has been empty for over ten years. However it is considered that it has not been fully used for approximately 20 years. The concerns regarding the vacant state of the building will be considered further in the Heritage Section of the report, however it is considered that a vacant building of this scale can harm the vitality of an area, and restrict future growth. Both the Ryedale Plan - Local Plan Strategy and the NPPF are broadly supportive of development that increases the vitality of town centres and benefits the local economy. The development Plan should be taken as a whole. However it is considered that the following aims and objectives included in the plan are of particular relevance to the application.

Aim 1 of the Development Plan (LPS), states:

AIM1 : To create opportunities to retain and create jobs, skills and prosperity and to develop a diverse and resilient economy that supports an ability to live and work in Ryedale.

The following Objectives in the LPS are also of particular relevance.

2. Enhance the role of the Market Towns as accessible, attractive and vibrant service centres, offering a range of homes, jobs, shops, entertainment, leisure and recreational facilities within a high quality public realm. Emphasise the role and regeneration of Malton and Norton as the District's Principal Town.

4. Protect and, where appropriate, enhance the distinctive character of the District's settlements, landscapes and biodiversity, safeguarding those elements of the historic and natural environment that are recognised as being of local, national or international importance.

11 Improve the quality of the environment and environmental systems and require that new development has as low an impact on the environment as possible.

Furthermore, para 3.17 of the LPS states:

3.17 Malton Town Centre provides a cultural and economic focal point at the twin towns. The largest town centre in Ryedale, it is a vibrant centre with a wealth of independent retailers which together with a rich, historic built environment create a genuine market town feel.....

The section of the plan on Guiding Development at the Towns includes:

- *Re-use of iconic and prestigious historic buildings such as York House.*

Malton and Norton are identified in the LPS as the Principal Town, the *focus for the majority of new development and growth including new housing, employment and retail space*. In line with this, one of the stated ambitions is to maintain the vitality of Malton Town Centre.

The application site falls outside the town centre Commercial limits as identified on the development limits plan for Malton/Norton (saved through the Ryedale Plan - Local Plan Strategy).

It is considered however that the site relates well to commercial uses in the locality. It is of particular note that since the Ryedale Plan - Local Plan Strategy was adopted in September 2013, The Talbot Yard on the northern side of Yorkersgate has been developed with various businesses, including a butchers, retail coffee shop and cafe, ice cream outlet and sales bakery and pasta sales. As a result of the popularity of this development, this part of the town (which had previously been redundant) has become very popular, and has significantly increased the footfall on this part of Yorkersgate. Policy SP7 of the LPS states that "the Town Centres will be the focus for a diverse range of uses in the District. This will principally include retail activity and will also provide a focus for commercial and leisure uses, entertainment facilities, cultural activity and tourism. The site is in a sustainable location, with close links to sustainable access including the ability to access the town by foot, and also reach the site from other locations by public transport including train and bus.

It is considered therefore that the principle of the use of York House as a venue for events to include weddings, corporate lunches and private lunches, will add to the vitality of this part of the town, and also be of benefit to the local economy. This is as a result of the additional staff employed, and the additional spending in the area. Indeed, the three strands of sustainable development identified in the NPPF includes:

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

The NPPF further states that the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The environmental strand of sustainable development, relates to '*contributing to protecting and enhancing our natural, built and historic environment*'.

The social strand seeks to support strong, vibrant and healthy communities. The proposed development will revitalise the area, and increase a facility that is of benefit to both local people, and those further afield that choose to use the facility. It is considered that satisfying this strand of sustainable development will be dependent on addressing the amenity considerations. Nevertheless providing more jobs in the area can satisfy part of that aim.

In addition, Policy SP8 supports the provision of a range and choice of quality tourism accommodation. The use of York House to provide guest bedrooms and associated facilities for the Talbot Hotel will enhance the tourism facility of The Talbot Hotel.

Policy SP19 requires that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

In relevant to economic development, The Government's commitment to sustaining economic growth is set out in Paragraph 19. This states:-

"Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system".

Policy SP7 sets out a commitment to help ensure the continued vitality and viability of Ryedale's market towns by seeking to focus activities such as tourist-related activities within their town centres. It states:-

"The Town Centres will be the focus for a diverse range of uses in the District. This will principally include retail activity and will also provide a focus for commercial and leisure uses, entertainment facilities, cultural activity and tourism"

The Council's Economy and Community Officer has provided comments on the principle of the development. His response from an economic development point of view includes the following:

" I am writing to express support for the above planning applications, which are of strategic importance in terms of achieving the Council's economic aims and delivering the recently agreed Ryedale Economic Action Plan 2016-20.

In particular, the following are important economic factors to be taken into account in the planning assessment of this application:

- *The proposed development will contribute strongly towards:*
 - i. *Ryedale District Council Plan 2015 - 2020, Aim 1: To Create the conditions for Economic Success and the following Strategic Objectives:*
 - *"Place of Opportunity – economic structure and supporting infrastructure", specifically "identifying sufficient sites for industrial, business and retail use"*
 - *"Improving the vitality of Malton as a retail centre"*
 - *"Improve the infrastructure and strengthen the role of the market towns" and,*
 - *"Opportunities for people – increasing wage and skills levels"*
 - ii. *the Council's recently adopted Ryedale Economic Action Plan 2016-2020:*
 - *Priority 1 - Business Growth*
 - *Priority 1e - Visitor Economy Support*
 - *Priority 1e(iv) - Product Development*
- The most recent serviced occupancy statistics supplied by Welcome to Yorkshire indicate a consistent level of just over 46% in 2015 for serviced occupancy in Ryedale. However there is a notable lack of quality serviced accommodation in Malton and this development would improve this shortfall whilst offering additional facilities for weddings and venue hire to guests and non-residents.
- The development will contribute towards diversifying and strengthening the local economy, given the continued significant reliance upon tourism based industries in Ryedale. The development would also help increase the use of local facilities, such as local pubs, restaurants and shops.

Accordingly it is considered that the *principle* of the development in this location accords with the Development Plan when read as a whole, and in particular Policies SP7 and SP8 which relate to the vitality of the town centre, and the benefits to the economy from tourism, and furthermore the NPPF in relation to the provision of development that benefits the local economy, and adds to the vitality of the area.

DESIGN

Paragraph 56 of the NPPF makes it clear that the Government attaches great importance to the design of the built environment. It states:-

- "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Paragraph 60 states:-

- “ Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.

Policy SP16 of the Ryedale Plan - Local Plan Strategy emphasises the requirements of good design, and includes the following:

Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- Reinforce local distinctiveness
- Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated
- Protect amenity and promote well-being
- To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:
 - Topography and landform that shape the form and structure of settlements in the landscape
 - The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale
 - The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings
 - The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement
 - Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures
 - The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail.

In terms of the proposed alterations and extensions, Policy SP16 states:-

“Extensions and alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the host building in terms of scale, form and use of materials and in considering proposals for the alteration, re-use or extension of individual historic buildings the Council will seek to ensure that:

- *A building is capable of conversion to the use proposed without the need for extensions or alterations that would be detrimental to its character*
- *Proposed extensions and alterations, considered acceptable in principle, that are of an architectural style which complements the traditional character of the main building*
- *Appropriate materials and traditional construction methods and techniques are used”*

The Design and Access Statement includes a description of the site, and a contextual analysis. The information details the operational requirements, together with the initial design approach. The research carried out by the applicants, indicates that wedding facilities are more successful in attracting business if they can accommodate more people. A meeting was held at an early stage with Historic England. Historic England raised comments regarding the height and visibility of the central dome, and also the projection of the link building towards Yorkersgate. The design was changed to take account of comments made. (The impact of the development on the significance of the heritage assets will be considered in the heritage section). The Design and Access Statement states that the design of the extension takes its reference as a garden structure. The rationale being to provide a design that has a relatively low profile, whilst not detracting from the character of either York House or The Talbot Hotel. The view from Yorkersgate is one of a lime rendered wall, with low profiled dome above. (The wall has a door in). It is considered that in principle, the design from this approach utilises materials that are characteristic of the area. Whilst the dome introduces a new element, its covering picks up on the tones of a grey slate which is typical of many buildings in the area.

To the rear, the view can be seen from Riverside, and the Railway, together with the footpath alongside the river. The views from here are more distant, and in many cases screened by trees and other buildings. The architect states that from the south, (garden) elevation, the building would blend into the garden as a garden structure: a pergola. He further advises:

" The design and articulation of the pergola should also be seen from the wider scale of the entire frontage of buildings facing south on the escarpment above the river which is characterised as having a base (retaining walls and terraces) above which 'float' the buildings. In that wider scale the pergola extrapolates the major horizontal line of the principal wall below the Talbot and further echoes the verticalisation of buttresses into the pergola piers."

The design ethos also states that because the link building takes its design lead from a garden structure, it still provides a visual separation between The Talbot Hotel and York House. Below the 'pergola, at basement level, the stone arch within the brick arch relates to existing structures within the garden, such as the openings in the brick wall on one of the lower tiers. The design statement concludes:

'The nature of the proposal is, in essence, that of inserting a low link building between two substantial structures of robust individuality but also components of a large 'wall' of buildings topping an escarpment and facing a wide river valley to the south. There are some distant views from the public realm of the adjoining Navigation Wharf as well as from across the river. The proposed design presents as a modest elevated pergola screening all behind it. Its simple form and regular rhythm echo the wider rhythm of tall buildings from The Talbot Hotel on its raised terrace to York House. But the effect is diffused by foreground tree screens and diluted by distance'

The grounds of York House are designated as a Visually Important Undeveloped Area. The proposed link building is located on a small area of this close to York House itself. However given the area involved, it is considered to be minor in its overall effect. Furthermore, given the benefits to the economy that would be a result of the development, together with the benefits to the use of a building that has been empty for a significant period of time, it is considered that the benefits of the development proposed significantly outweigh the small loss of land within the VIUA. Officers consider that it does not breach Policy SP16 of the Ryedale Plan - Local Plan Strategy.

The development itself does not in itself provide a "public realm usable by all". However the existing building and grounds are not open to the public. It is noted, however, that the use of the building and grounds will enable more people to have access to the building. In addition the ground floor rooms of York House include a function room and breakfast room that provide better access to members of the public than for example guest bedrooms.

The alterations to York House, and The Talbot Hotel, are, from a design point of view, to be 'a light touch' and do not breach the requirements of Policy SP16.

A more detailed assessment of the impact of the development on the Heritage Assets will be considered in the Heritage section of this report. However it is considered that the design approach itself fulfils the requirements of Policy 16 of the Ryedale Plan - Local Plan Strategy in terms of reinforcing local distinctiveness by virtue of its location, siting, form, layout, materials, vistas and scale.

HERITAGE ASSESSMENT

Policy SP12, makes a clear commitment not just to ensuring that the historic assets of the District are safeguarded but also to help realise how they might also assist in delivering the economic and tourism objectives of the plan. It states:-

“Distinctive elements of Ryedale’s historic environment will be conserved and where appropriate, enhanced. The potential of heritage assets to contribute towards the economy, tourism, education and community identity will be exploited”

In considering whether or not to grant planning permission for developments which have the potential to harm a designated heritage asset, the Policy very much reflects the advice that is set out in national planning guidance stating that:-

“Designated historic assets and their settings, including Listed Buildings, Conservation Areas ... will be conserved and where appropriate, enhanced. Development proposals which would result in substantial harm to or total loss of the significance of a designated heritage asset will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset”

Of particular relevance to this particular application the Policy continues:-

“To assist in protecting the District’s historic assets and features, the Council will:

- *Encourage the sensitive re-use and adaptation of historic buildings and will, where appropriate, support flexible solutions to the re-use of those historic buildings identified as at risk where this would remove a building from English Heritage’s At Risk Register or local records of buildings at risk.*
- *Work with and support local estates to identify appropriate ways in which to manage their historic landscapes, features and buildings”*

The Planning (Listed Buildings and Conservation Areas) Act 1990

There are two elements of the 1990 Act which are of particular relevance in considering whether or not to grant approval for this proposal. The first relates to the duty that it imposed on the Local Planning Authority by virtue of S66(1) of that Act in respect of Listed Buildings. It states:-

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

The second is the duty placed on the Planning Authority by S72(1) in respect of conservation areas. This states:-

“In the exercise, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. In determining planning applications, Paragraph 131 of the NPPF states that Local Planning Authorities should take account of:-

- *“the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness”.*

Paragraph 132 provides guidance on the weight that Local Planning Authorities should give to the conservation of designated heritage assets in decision making. It makes it clear that consideration also has to be given to protecting the setting of heritage assets and that any harm will require a convincing case to be made. It states:-

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

York House, The Talbot Hotel and the associated forecourt walls, piers gates and railings to the front of York House are 3, Grade II* listed structures within the Malton Conservation Area that are directly affected by these applications. These applications also directly affect a number of Grade II listed buildings namely the garden wall extending southwards from the south-east corner of The Talbot Hotel, 43 Yorkersgate Malton, and the eastern garden wall to York House.

They also affect the setting of the Grade II listed 'terrace wall with garden steps and grotto between the middle and lower terraces of York House' and the 'garden steps linking the upper and middle terrace to the rear (South) of York House'. The Talbot Hotel and York House are both grade II* Listed Buildings.

Grade II* buildings and structures are in the category of designated heritage assets which the NPPF considers to be of the “highest significance” and Paragraph 132 makes it clear that:-

“Substantial harm to or loss of designated heritage assets of the highest significance, notably ... grade I and II listed buildings should be wholly exceptional”.*

Where an application is likely to result in Substantial Harm to a designated heritage asset, the NPPF makes it clear that such applications should be refused:-

... *“unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use*

In those cases where a proposal is likely to result in 'Less Than Substantial Harm', the NPPF advises that:-

... this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

The application has been the subject of extensive consultation with those statutory consultees required by planning legislation.

The full responses are available for Members to view on the Council's public access website, however a brief summary of the **initial** responses to applications 16/00054/FUL and 16/00055/LBC are as follows, together with further comments on the additional information where a response has been made.

	Initial comments
Historic England	<ul style="list-style-type: none"> • DO NOT SUPPORT SCHEME IN CURRENT FORM: *Broadly supportive to provide a sustainable, viable and sensitive new use for York House. *accept that form, scale, and design of new extension will not harm the significance of York House. *Concerns regarding some of the internal and external works proposed *certain elements would cause unjustified harm to the significance of the building that its not outweighed by a clear and convincing justification.
North Yorkshire County Council Heritage Services	<p>RECOMMEND SCHEME OF ARCHAEOLOGICAL MITIGATION recording in response to the ground disturbing works.</p> <p>COMMENTS ON REVISED DETAILS</p> <p>Additional information very useful, Request formal details of the works carried out in relation to trial holes. Test pits have added to knowledge. Proposed development will truncate the culvert in several areas, but it will not be destroyed in its entirety. Already been several later intrusions. Loss of part of the culvert acceptable providing additional recording takes place during the opening up, to further advance knowledge. This could be specified as part of a planning condition requiring a written scheme of investigation.</p>
Georgian Group	<p>OBJECTION:</p> <p>Do not wish to object to the principle of a link building in this location, but concern over:</p> <ul style="list-style-type: none"> * Impact of proposals on setting of York House and important terraced gardens. *the new building is very large and the design would compete with the garden facade of York House. *it would form a more dominant feature in distant views *impact of proposal on the Grade II* setting required. *need more information on provision of fire doors.

<p>Yorkshire Gardens Trust</p>	<p>OBJECTION:</p> <ul style="list-style-type: none"> *The gardens and grounds are an essential part of the historical setting of York House, The Talbot and associated structures which are Grade II* *The Trust is not opposed to incorporation of York House into The Hotel. The existence and clear separation of the two principle buildings is an important aspect of the history of the hotel, its grounds and its special character. *The effects of adding a new built component needs to be seen from the internal workings of the hotel, and the effect it will have on the character of the main buildings when seen from the grounds and the accessibility of the gardens from the main building. *the pergola will be a heavy dominant feature. *because the link building projects forward from the southern elevation it will break the appearance of York House as a separate building. *the accessibility of the gardens from the main buildings needs to be addressed. *suggest re-locating the building to the middle part of the southern elevation of The Talbot Hotel *seek assurance that if the excavation goes ahead every effort is made to ensure that the existing structure of York House and nearby buildings are not adversely affected by the development *seek assurance that full record of any archaeological evidence is made *potential noise nuisance for occupiers of ground floor bedrooms *design of pergola is a substantial and dominant feature. *if development goes ahead, the boundary line between the 'outdoor events area' and the adjoining garden.
<p>SPAB (Society for The Protection of Ancient Buildings)</p>	<p>OBJECT UNLESS FURTHER INFORMATION PROVIDED</p> <ul style="list-style-type: none"> *York House is a building of considerable importance. It is somewhat of a rarity given the extent to which it has been little altered. *The building has been empty for some years, and SPAB remains supportive of the Estate's commitment to return The Talbot to a prestigious place of hospitality. SPAB is also supportive of the aspirations to find a sustainable and viable new use, however : *not convinced that proposed use is a viable one that is consistent with the building's conservation. *no clear and convincing justification has been made to justify the proposed use and that the benefits outweigh the harm *concerns regarding the impact of the development on the Grade II* Talbot Hotel, its gardens and setting, and the wider character and appearance on the conservation area.

Council for British Archaeology	<p>Object:</p> <ul style="list-style-type: none"> *the application requires an archaeological assessment particularly for the basement and landscaping of the gardens *a programme of excavation should be secured *concerns about the impact on the significance of areas of York House and other listed assets *impact of services <p>Require section drawings to demonstrate how the building will interact with the adjacent grade II* listed buildings</p>
Council's Building Conservation Officer	<p>The initial comments REQUIRED ADDITIONAL INFORMATION IN RELATION TO :</p> <ul style="list-style-type: none"> *the significance of all the listed assets *the introduction of services *details of internal finishes *impact of excavations *harm to the basement and steps to York House. <p>Additional information was submitted by the applicant and further comments received:</p> <ul style="list-style-type: none"> *still require a Historic Buildings Assessment of The Talbot Hotel *require more information in relation to the structural impact of the development *Principle of infilling the Yard is acceptable *design approach broadly acceptable. *loss of external steps to basement of 43 Yorkersgate is a significant loss of fabric. greater clarification required. *removal of sections of wall also identified as harm. *clarification required regarding air source heat pumps *require further clarification of the steps between the upper and middle terrace. *rooflight requires further clarification.

A detailed objection has also been received from a local stonemason and building conservator who has articulated his objections. However the response includes some comments that are considered to be defamatory and therefore the objection is not available to view on the public website.

Nevertheless, the Council's Building Conservation Officer has read the objection and the main points raised. Many of the points have also been raised by other statutory consultees, and therefore addressed in some of the additional information which has been provided. The main points raised include;

- concern regarding damaging impact of plumbing and upgrade of windows and electrics
- lifting floorboards, especially the oldest in the attic and closets. Poor re-fitting may occur or removal
- what materials will partition walls be reinstated? Surviving walls in the attic are quicklime stabilised earth with hay inclusions. Query structural impact.
- Impact of insulation on historic fabric
- no schedule of works submitted for works or specification of materials for any aspect of refurbishment has been provided.
- no commitment to testing and analysing historic fabric and paint. Dendrochronological analysis of roof timbers should be carried out.
- earlier summaries of the evolution of the house have been ignored
- Why is vehicular access to the front required?

- the building will remove from York House much of its historic setting, diminishing the legibility and record of the house.
- a cistern adjacent to the screen wall and sw corner of York House will be lost
- there is a tunnel under the service yard, it runs from below Roman horizons down to river bank. This will be lost.
- where will car parking for the addition to the Talbot Hotel be sited? If on the lower terrace it will further erode the historic garden layout.
- the extension is not a pastiche of York House nor a modern intervention of similar quality.
- the extension will be crammed against the west wall and may cause decay to those elevations.
- Previous damp egress has recently dried out, but was saturated again recently. Proximity of link building will make routine maintenance difficult.
- If properly marketed, York House could be used again for film productions., or other proposals that would be consistent with the buildings historic significance and fabric.

Since the above responses were made, the applicant has appointed a conservation accredited engineer who has liaised with the Senior Structural Engineer from Historic England. Further detailed reports have also been provided in relation to:

- a fire strategy
- building services.
- further reports have been provided in relation to the significance of the listed buildings and structures and how the development impacts on them, by a Historic Buildings Archaeologist.
- A report has also been commissioned to assess the impact of the development on the gardens and setting to York House.
- The plans have been revised to delete the vehicular access to the front of the house. This has been replaced by a small pedestrian access in the side of the forecourt which retains the sense of enclosure.
- The existing steps within the service yard will now be retained.
- The parking strategy has also been removed to ensure that the application does not include parking on the lower terrace.
- revision to the Design and Access Statement.
- noise strategy

Re-consultation has been carried out in relation to the revised/additional documents. The re-consultation period expired on August 18th 2016. In relation to heritage, a revised response has been received from Historic England. Their full response is available to view on the Councils public access web site. However, below is a summary;

'We attended a site meeting with the applicant and representatives from your authority on 26th July 2016. The meeting was attended by our Senior Structural Engineer and our M and E Engineer. (Mechanical and Electrical) We discussed the further information necessary to understand the physical impact of the new works proposed on the structure of York House and the Talbot Hotel. We have now been consulted on the additional information and amended plans. This information shows in much greater detail the proposed service routes ,as well as the methodology for the structural works. We have also received an updated Heritage Impact Assessment and Design and Access Statement.

We can now confirm that in our view the proposals overall would cause 'less than substantial harm' to the significance of the designated heritage assets affected and that the public benefits are likely to outweigh the harm, in accordance with paragraphs 132 and 134 of the NPPF.

The Council's Building Conservation Officer has also submitted a revised response as follows:

No Objection

Since my previous consultation response, additional information has been submitted and a site meeting has taken place. This site meeting was also attended by engineering and services specialists from Historic England. The Historic England case officer for this proposal was also present at that meeting. This response should be read in conjunction with my previous consultation response dated 14th July 2016.

Additional information that has been submitted is:

- *Fire strategy*
- *Services plans/strategy*
- *additional structural information*
- *additional plans/elevations*
- *Revised Design and Access Statement*
- *Additional Heritage Impact Statement*
- *Car parking strategy*
- *Archaeological information*
- *Report on heritage significance of gardens by Fiona Green*
- *Talbot Hotel Historic Building Assessment*

I consider that the primary assessment in this case is an assessment of what is being added to a sensitive location i.e. the link building. I am satisfied that the alteration/removal of existing fabric is either of no significance, the minimum necessary, adequately justified or adequately mitigated. The works proposed to the building fabric of York House itself, are themselves very minimal or beneficial. I note that proposals for a garden design do not form part of this application.

My previous consultation response noted a major concern regarding the structural implications for York House and The Talbot Hotel. The applicants have sought advice, and on site and continuing project management from a conservation accredited engineer and advice from Historic England has been sought with respect to the structural implications of the proposal. Further information regarding ground conditions, roof investigations and a structural approach has been provided and I am satisfied, in conjunction with the advice from Historic England, that my concerns have been addressed.

My previous consultation response noted concern regarding the lack of detailed information regarding the introduction of services. Further information has been submitted and advice has been sought from the Services Engineer at Historic England. I am satisfied, in conjunction with the advice from Historic England, that my concerns have been addressed.

Further information has been provided on all heritage assets affected by the application. I would agree with the findings of those reports. It is apparent that detailed archaeological recording of the grounds/gardens is proposed as mitigation and I would ask that liaison with North Yorkshire County Council is sought on this matter. Any future proposals for designs of the gardens should be secured by condition and should take into account information provided in the report by Fiona Green.

My previous consultation response requested further information regarding the implication for fire escape. This has been provided. I am happy that my concerns have been addressed.

My previous consultation response noted references to 'car parking on the grass' and I requested clarification regarding this element. I welcome the omission of this statement from the Design and Access Statement and the submitted Operations and Parking Plan. This has addressed my request. I welcome the retention of the external steps at the rear of 43 Yorkersgate. The previous plans proposed their removal which I identified as causing a significant loss of fabric. This is no longer the case. In addition, it has been confirmed that there are no works proposed to the external steps linking the upper and middle garden terraces which is welcomed.

In my previous consultation response I established the heritage values, that in my opinion, are apposite when assessing the heritage assets affected by this proposal. These are, evidential value (a site's ability to yield evidence about past human activity), historic value (how a site is connected to past events and people) and aesthetic value (the way a place can give sensory and intellectual stimulation). In my opinion those identified heritage values of the site are maintained by this proposal as set out below.

Evidential Value-

An important consideration in this application is the very light touch approach to York House itself. The evidential value of York House has not been compromised, as the potential for people to understand and interpret the past in this context has been maintained. The essential circulation routes through the building have been maintained, room volumes have been maintained and loss of historic fabric has been kept to a minimum. It is clear that the attic was previously occupied, and in many cases room partitions follow vestigial components or have been placed for valid reason. In many cases, where loss of historic fabric has been proposed (for example boundary walls and basements) mitigation has been proposed to balance this such as specifying the minimum loss necessary, appropriate positions, proportions and designs for new doorways. New work proposed in the existing buildings has been sensitive in its design and uses materials and detailing appropriate to the context.

The loss of a section of the upper garden terrace to the west of the garden does cause some harm to the evidential value of the gardens. As this loss is partial, I am of the opinion that the harm caused here to the evidential value of the garden design is 'less than substantial'. This harm caused is proposed to be mitigated by careful archaeological recording. Future mitigation should also include the use of surviving garden elements as reference to design new gardens.

Historic Value-

The ownership of York House and The Talbot is to remain with the Fitzwilliam family thus continuing this aspect of the historic value of the site. The unique characteristics of the estate ownership have been maintained and the joining of these 2 properties, physically and functionally, is seen as a continuation of this aspect. References to past historic uses, people and events will not be affected by this proposal.

Aesthetic Value-

Many of the structures within the boundaries of the site have high aesthetic value. In themselves however, the aesthetic value of many of the existing structures largely remains unaffected as there is little direct physical alteration/removal to the fabric of the existing structures on the site.

My previous consultation response addresses the breaches in the eastern boundary wall and loss of fabric to other parts of the buildings and structures. I am of the opinion that the reduction in size, centrally placed position and introduction of a gate to the eastern forecourt wall is adequate mitigation to the creation of a new level access point in this location and I withdraw my objection to that element of the scheme.

In my opinion the infilling of the space with the link building will have the greatest impact on the aesthetic value of the site. I have addressed the principle of infilling the service courtyard in my previous consultation response and I have no objection to it. Additional detailed construction drawings showing the physical junctions between the proposed and existing buildings, have been provided and I am satisfied that these are a sensitive technical solution. The existing exterior finish of the stone wall to York House which will become an interior wall in this proposal, will remain unplastered and left exposed as stone which is welcomed, with the existing doorway left in situ.

The design of the Yorkersgate elevation is in my opinion appropriate, and retains York House as the primary structure.

The simple rendered wall with service gate is set back slightly from the main elevation of York House and the high parapet will go some way to soften the visual impact of the height of the dome. The forecourt in front of the service yard is maintained which is welcomed as this maintains the visual breathing space for the front elevation of York House.

In my opinion it is the garden setting of York House that will be affected to the greatest degree by virtue of the introduction of the new link building projecting into the garden terraces of York House. My previous consultation response sets out my opinion on the overall scale and massing of the new building and how it relates to the wider context of the location and I have no objection to it. The information provided by Fiona Green on The Talbot Hotel and York House Gardens, is helpful in understanding the relative significances of the component factors in the gardens which themselves form the setting for York House.

The proposed garden elevation has a very different architectural treatment to the Yorkersgate elevation and is designed to visually and physically engage with the garden. I am of the opinion that this is the correct design approach in this case and this responds to the physical and historical context. In my opinion the projecting flanking wall of the new link reinforces the symmetry of the architecture of York House by reflecting the eastern boundary wall. My previous consultation response asked for consideration of design alternatives, and further information submitted in the revised Design and Access statement provides an analysis of the proposed design as submitted using the Building in Context Toolkit developed by the Commission for Architecture and the Built Environment (Cabe) and English Heritage (now Historic England). This articulates the rationale for the proposed design and demonstrates that it has responded to the context of the site and addresses the toolkit principles. I am satisfied that the design of the link building maintains the aesthetic values of the site to a large extent however the loss of a section of the upper garden terrace to the west of the garden does cause some harm to the aesthetic value of the gardens. As this loss is partial, I am of the opinion that the harm caused here to the aesthetic value of the garden design is 'less than substantial'. This harm caused is proposed to be mitigated by careful archaeological recording. Future mitigation should also include the use of surviving garden elements as reference in the design of new gardens.

Having looked at all the information and assessed the impact of the proposed scheme, I am of the opinion that many of the essential components and qualities of the identified heritage values will be maintained in the execution of this proposal. The evidential value of the site is, to a very large extent, maintained and greater public access has the potential to enhance this aspect. Where it is compromised by the loss of a section of the upper garden terrace, mitigation can be put in place. The historic value of the site is also maintained and greater public access has the potential for this aspect to be enhanced. The aesthetic value of the site has been considered and the impact of the scheme assessed above and in the submitted information. I am of the opinion that there is minimal direct physical harm to the aesthetic value of the identified heritage assets as they are largely directly affected. Harmful impact has however been identified affecting the aesthetic value of the site with regards to the garden and loss of a section of terrace to the west.

In my opinion the level of harm caused to the aesthetic value of the heritage assets can be identified as less than substantial harm for the reasons stated above.

In my opinion there are a number of heritage benefits to the proposal:

- *The introduction of essential services is a benefit to the building and it has been demonstrated that these can be undertaken in a sensitive manner.*
- *Structural repair including necessary structural repair to the western chimney breasts.*
- *Sensitive repair of York house including removal of inappropriate roof membrane*
- *Occupation of the long standing empty York House building*
- *Public access to include 2 ground floor reception rooms and entrance hallway*
- *Removal of inappropriate small scale detailing including hinges*
- *Introduction of appropriate detaining including rim locks*
- *Reinstatement of interior finishes to reflect the status of the building*

- *Wider heritage benefits to include the cumulative regeneration of the western entrance to the town*

In my opinion this application causes limited harm to the significance of the identified heritage assets which equates to less, than less than substantial harm for the reasons set out above. I have identified the heritage benefits of the scheme. According to paragraph 134 of the NPPF, Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In my opinion this proposal accords with sections 16 and 66 of the Planning (Listed building and Conservation Areas) Act 1990 which requires that special regard be given to the preservation of a listed building or its setting. It also requires under section 72 that proposals preserve or enhance the character of a conservation area.

Policy SP12 of the Ryedale Plan- Local Plan Strategy seeks to ensure that designated historic assets and their settings will be conserved and where appropriate enhanced. Proposals which would result in less than substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset."

In relation to archaeology, The Council for British Archaeology have responded to the updated information. A summary of their comments is:

- The application requires an archaeological assessment to the site - especially in the areas where there is proposed ground disturbance
- The area proposed for the basement extension is likely to require a commitment to archaeological investigation secured by condition and a WSI, to be informed by the above assessment.
- The application clarifies that the proposal does not include landscaping to the garden area; a condition should be placed upon any consent that no ground disturbance should take place in the area.
- A view analysis to allow accurate assessment of the impact of the link building from Market Street would be beneficial for measuring any harm to heritage assets.
- The reduction of forecourt wall demolition from vehicular access to pedestrian is welcomed
- The CBA defers to Historic England's experts in terms of the structural impacts and the impacts of services on the listed building.

Revised comments have also been received from North Yorkshire County Council's Heritage Services in relation to Archaeology (County Archaeology). The advice that "the Heritage Impact Statement prepared by Colin Briden is a very useful update and acknowledges the requirement for an archaeological mitigation strategy. The report mentions that archaeological monitoring has already taken place in response to geotechnical works and that initial recording has taken place on the culvert"

Their previous comments and recommendation still applies. These comments recommended that a scheme of archaeological mitigation recording is undertaken in response to the ground - disturbing works. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage.

There is clearly a professional difference of opinion in the time for the archaeological assessment to be carried out, in that the CBA considers that further assessment is required in advance of the determination of the applicant. Further discussions have been carried out with County Archaeology, and they have verbally advised that in their opinion:

"The geotechnical work has provided enough information to broadly characterise the types of deposits we may expect in this area and their level of significance.

I agree that significant deposits may be present but these are likely to be fragmentary given the high degree of truncation of the existing services etc and that a mitigation response can be justified."

Taken account of these comments, together with the results of the trial holes that have been carried out, officers have not requested further assessment in advance of determination.

It is also noted that reference has been made in the documentary evidence, and by a contributor to a tunnel/culvert. Further clarification has been sought from County Archaeology on this. They have advised:

'The information from the test pits has added to our knowledge of the construction of the stone culvert but has not provided any additional information on its likely date. Two theories have been advanced on the date, the first is Roman, the second is 18th century. On balance it is likely that the 18th century date is the more probable. This is based on the similarity of construction to other passages within the complex and the relationship of the culvert to the more industrial areas of the present buildings. On the other hand the culvert diverges from the alignment of the existing buildings and runs parallel to an earlier wall. Roman stray finds, including a coffin, and several finds from the current monitoring suggest that a possible earlier date should not be ruled out entirely.

The proposed development will truncate the culvert in several areas, but it will not be destroyed in its entirety as it continues outside of the development area. There have already been several later intrusions into the culvert by inspection chambers and other services. The loss of part of the culvert would be acceptable providing that additional recording takes place during the opening up. This could advance our understanding of the feature, hopefully providing firmer dating evidence. These works can be specified as part of a planning condition for a Written Scheme of Investigation recommended previously. It is expected that the results of the work would be made accessible as a publicly accessible report (NPPF para 141).

In relation to the impact of the development on the gardens of York House, the comments of the Yorkshire Gardens Trust are summarised in the table above. These comments include the reference to the importance of the gardens and grounds to the setting of York House, The Talbot Hotel and associated structures, design of the link building including the pergola, and the location. It is considered that these issues have been addressed by The Council's Building Conservation Officer, and Historic England, and have been better informed by the additional Heritage Statement in relation to the gardens by Fiona Green. Furthermore, the applicants have confirmed that the gardens will not be changed by the proposed development other than the area where the link building and terrace is actually being located.

No further consultation responses have been received to date from The Georgian Group, The Society for The Protection of Ancient Buildings, or The Yorkshire Gardens Trust. Whilst significant information has been received in relation to many comments previously made, the design has not fundamentally changed, and therefore in the absence of any revised comments, it is considered that the objections from those consultees remain as previously stated.

The proposed development lies in an extremely sensitive area, and this has been taken account of by all involved in the application. There will inevitably be some applications where there is a difference in professional opinion. In this case there are outstanding objections from two statutory consultees. Namely The Georgian Group and The Society for The Protection of Ancient Buildings. The Yorkshire gardens Trust is not a statutory consultee.

In relation to requirements of Policy SP12 of the Ryedale Plan - Local Plan Strategy, therefore, the heritage values contributing to the significance of the listed building have been addressed above. These have identified that overall, (in the opinion of Historic England , The Council's Building Conservation Officer ,and North Yorkshire County Heritage Section) the proposal would result, in a minor degree of harm to some aspects of the identified heritage assets. To that end, a rigid interpretation of Policy SP12 is not entirely upheld and the policy would therefore be breached in part.

However due to the identified overall low degree of harm and the wider public benefits, including heritage benefits that are seen to outweigh the identified harm, officers are of the opinion that such a breach is minor in effect.

HIGHWAY AND PARKING CONSIDERATIONS

The proposed development will be used in connection with the existing facilities at The Talbot Hotel. York House does not have any parking on site. The Design and Access Statement states that the Business Plan assumes a typical large wedding of 130 covers, and that this would generate a maximum of 65 cars. The Talbot Hotel grounds can accommodate a maximum of 48 cars, although 12 will be required for other guests at the Talbot Hotel. Nine spaces will be provided on Navigation Wharf which means that 45 cars can be accommodated. The plan assumes that some people will travel by taxi, or train, and some will stay at other hotels in the town. Parking is also available on other town centre car parks. Water Lane car park is in easy walking distance of the site.

Policy SP10 -Physical Infrastructure, of the Ryedale Plan - Local Plan Strategy states that:

Ensuring an appropriate level of car parking is provided as part of any development scheme in consultation with the County Council.

POLICY SP20 also includes requirements in relation to Access Parking and safety, and states:

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads

Access into and within buildings will be expected to be of a standard that allows all to access the building unimpeded

Development will be expected to comply with the relevant standards in place at the time a planning application is made to the Local Planning Authority. A Travel Plan may be required to set out how the use of the building can be made more sustainable by reducing the need to travel by private car

Where applicable, proposals will need to demonstrate the inclusion of safe and effective vehicular servicing arrangements

Taking account of the details provided with the application, there appears to be a notional shortfall of approximately 20 spaces, which breaches the requirements of Policy SP10 of the Ryedale Plan - Local Plan Strategy. However it is acknowledged that the site is in a town centre location, and is also in a sustainable location where access is available by public transport. It is also accepted that not all guests will stay at The Talbot Hotel or the guest accommodation York House, and therefore guest are likely to leave their cars elsewhere, and walk or arrive by taxi. Indeed those staying are limited to 10 bedrooms in York House and 26 bedrooms at The Talbot Hotel. The access from the Talbot Hotel Parking area, and Navigation wharf is existing. The views of the Local Highway Authority have now been received. There is no highway objection, subject to a condition which requires that all parking and turning is kept available at all time. The Local Highways Officer has noted:

It is noted that the parking provision shown is less than the 80 spaces originally submitted with the application. However, given that some guests will be staying at the hotel, other guests may arrive by taxi and/or walk from other near-by accommodation, and other arrangements such as minibus could be involved, plus the fact that the site is within a town centre location where car parking facilities exist elsewhere, overall the provision now detailed would seem to be acceptable.

Members are advised that the limited number of car parking spaces compared to anticipated numbers breaches those parts of polices SP10 and SP20 of the Ryedale Plan - Local Plan Strategy.

However given the sustainability of the location, and the lack of an objection from The Local Highways Authority, it is considered that the level of parking provision is acceptable, and won't result in an adverse impact on pedestrian or highway safety.

ECOLOGY

The application includes the demolition of a small extension in the yard between The Talbot Hotel and York House, together with small areas where there is loss of parts of walling. In view of this, the Council's Countryside Officer has requested further information to demonstrate that the development will not result in the loss of any bat habitat. The applicants commissioned a Bat Emergence Survey which was carried out during August 2016. The survey revealed no evidence of roosting bats, and therefore a Natural England European Protected Species License is not required. However it recommended that any development is conditioned to ensure that it is carried out in accordance with the recommended methodology within the submitted survey.

NEIGHBOUR AMENITY

In relation to neighbour amenity, Policy SP20 of the Ryedale Plan - Local Plan Strategy requires that:

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise

New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance.

The immediate properties to either side are commercial. There are however residential properties on Yorkersgate in relatively close proximity to the application site. Other residential properties are situated to the south of the river on Riverside View, Norton. It is acknowledged that the site is in an area where there are various businesses, including restaurants and public houses further east. Nevertheless, Policy SP20 requires that development does not have a material adverse impact on the amenity of present or future occupiers. The Policy further states that Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.

The description of the development includes guest bedrooms and associated facilities within York House, with events within the link building and outside. The applicants have advised that the primary use of the building will be for weddings.

Officers have expressed concern regarding potential noise disturbance noise disturbance in relation to those houses on Riverside View. Whilst they are some distance to the south of the site. there are no other structures that will stop noise travelling in their direction. The design of the link building is such however, that most noise generating events will be contained within the building. It is noted however that the level area in front of this building is shown as an event area. The use of this area, and indeed the playing of amplified music in the building with doors and windows open at night time has the potential to have an adverse impact on the existing amenities of neighbouring occupiers.

These concerns have been passed to the applicant in addition to concerns raised regarding the noise implications of the marquee (the subject of a separate application) which is also before Members at this meeting. The applicants have provided further information, including details of a noise mitigation system to address the concerns raised. They have also provided further clarification of hours of use and use of the outside area associated with the link building. They have advised that the sound system will also be used inside the building. The method comprises the arrangement of speakers directly above the dance area and direct music downwards. This ensures that there is little 'spillage' of noise outside the identified area. The further benefits ensure that because sound away from the noise source is reduced, those sitting at table around the area, don't have to raise their voices to make themselves heard above the music. The downside of this method means that all amplified music and vocals would be relayed through the system, meaning that non amplified music/vocals could not be thus controlled. Thus control of noise for example from the playing of drums, brass/jazz bands, string quartets, is not possible. The solution to this is to allow digital versions of such instruments, restricting the times or number of occasions that such instruments are played and by insisting that visiting live musicians use the company amplification system.

The Council's Environmental Health Officer has been involved in all the discussions regarding potential noise impact, and advises that *'there are also concerns about other sources of noise e.g. fireworks or other forms of sound or light effects. Again, whilst a one-off might be tolerated, overuse could result in complaint . Most of these issues I feel could be resolved by imposing a noise mitigation strategy as outlined in the submitted report, in the form of conditions, allowing the development to take place but providing a good degree of protection of amenity to residents and hotel guests.'*

Accordingly, the EHO has not objected to the development subject to appropriate conditions to address potential noise from the restriction outdoor event area. Further conditions restricting fireworks, light shows and the closing of doors and windows after 11pm are also recommended. It is considered that by consulting specialists that provide sound solutions to mitigate noise, the applicant has sought to address potential noise impact from the development. On the basis of conditions that are sufficiently enforceable, it is not considered that the proposed development will harm the existing amenities of neighbouring occupiers, and therefore the proposal does not breach that part of SP20 that relates to amenity.

SUMMARY

Policy SP19 sets out a presumption in favour of Sustainable Development. 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 in 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”*

The decision on this application is balanced. To be weighed in the planning balance are the public and economic benefits associated with the development, the heritage considerations, and all other material considerations, including, access, design and neighbouring amenity.

The development will result in an increase in staff employed, spending in the area by those using the facility, and the significant benefit in the re-use of a Grade II* listed building that has been empty for well in excess of 10 years. The re-use will be of significant benefit to the long term maintenance of the building, but also a visual benefit to this very important historic approach to Malton Town Centre. It is significant that this part of Yorkersgate has, until relatively recently been lightly used. However the renovation and investment of The Talbot Hotel has started a re-vitalisation of the area. The Talbot Yard has also had a significant level of investment and now has five well regarded businesses operating from it.

These have proved to be tremendously popular, bringing significant numbers of people to this part of the town. It is considered that the renovation and re-use of York House will continue to add to the vitality of this part of town.

The Council's Building Conservation Officer has identified that the development will cause limited harm to the significance of the identified heritage assets which equates to less, than less than substantial harm for the reasons set out above. This harm is considered to be outweighed by the public and heritage benefits. It is considered that the impact of the development on other material considerations has been addressed in the body of the report, and can be adequately mitigated by the use of appropriate conditions.

RECOMMENDATION: Approval subject to any outstanding consultation responses and further information on the timescale of the development

CONDITIONS TO FOLLOW

Background Papers:

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