

**Item Number:** 10  
**Application No:** 16/00212/FUL  
**Parish:** Malton Town Council  
**Appn. Type:** Full Application  
**Applicant:** Fitzwilliam Malton Estate (Mr Roddy Bushell)  
**Proposal:** Change of use of ground floor of York House, together with erection of a temporary events tent with wooden steps, toilets within gardens to York House. Erection of temporary toilet block within York House Yard with all associated service connections together with use of Unit 10A rear of 37 Yorkersgate as an associated temporary kitchen to include new door opening  
**Location:** York House & Unit 10A Rear Of Yorkersgate Malton North Yorkshire YO17 7AJ

**Registration Date:**  
**8/13 Wk Expiry Date:** 11 April 2016  
**Overall Expiry Date:** 25 August 2016  
**Case Officer:** Rachel Smith **Ext:** 323

#### CONSULTATIONS:

<b>Building Conservation Officer</b>	No objection
<b>Countryside Officer</b>	No objection
<b>Environmental Health Officer</b>	Concerns
<b>Archaeology Section</b>	A scheme of archaeological mitigation recording to be undertaken and conditions
<b>Georgian Group</b>	Object
<b>Garden History Society</b>	No views to date
<b>Natural England</b>	No comments to make
<b>Parish Council</b>	No objection
<b>Twentieth Century Society</b>	No views to date
<b>Yorkshire Gardens Trust</b>	Objection and comments
<b>Historic England</b>	The proposals overall would cause less than substantial harm to the significance of the designated heritage assets affected
<b>The Victorian Society</b>	No views received to date
<b>Neighbour responses:</b>	Mr Nigel Copsey,

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#### TEMPORARY STRUCTURE YORK HOUSE

##### 1.0 SITE

York House is situated on the southern side of Yorkersgate within Malton Conservation Area. The application site relates to the ground floor and gardens to York House, together with a vacant outbuilding to the rear of adjacent properties on Yorkersgate.

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 Nos. 28 to 38 Yorkersgate. There is also a rear access to York house and The Talbot Hotel.

The River Derwent runs at the bottom of the gardens associated with York House and The Talbot Hotel. The railway line lies beyond, with housing on Riverside View further south.

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 all grade II listed.

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."*

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\*

## **VIUA**

The grounds of York House and the Talbot Hotel are within an area designated as a Visually Important Undeveloped Area (VIUA). VIUA's are undeveloped open areas that the District Council considers makes a particularly important contribution to the character and setting of settlements. In this case the designated runs along the rear walls of York House and The Talbot Hotel, extends in a westerly direction to the rear of 41 York Road. To the south it extends to Riverside View and the railway line.

## **PROPOSAL**

Members will note that a planning application and listed building application is also being considered at this meeting for the change of use and alteration of York House to form additional guest rooms and associated facilities for The Talbot Hotel together with the erection of a linking extension . The applicants have advised that the full establishment of a new wedding venue takes time, and a significant amount of investment and therefore permission is also sought on a temporary basis for :

- the change of use and alteration of the ground floor of York House to form reception rooms on the ground floor of York house for use in connection with weddings and other events
- the siting of a temporary toilet building within the service yard, timber clad.
- pedestrian doorway in eastern boundary wall
- formation of temporary kitchen within 10a Yorkersgate.
- erection of wooden platform to allow for siting of a marquee.

The initial plans included a canopy from the marquee to York House. This element of the scheme was deleted after concerns were raised by officers and Historic England. Clarification has also been provided to confirm that the use of the marquee will be restricted to weddings, corporate lunch's and private lunches.

The application is accompanied by a number of documents that are pertinent to both this application, and the application for a permanent link building under references 16/00054/FUL and 16/00055/LBC:

Design and Access Statement

Heritage Impact Assessment in relation to all the heritage assets

Assessment of the development impact in relation to the gardens

Building services strategy in relation to York House

Fire strategy.

Noise mitigation document

## **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**

The heritage assets affected are the Grade II\* listed York House and its setting, the setting of The Talbot Hotel, together with the grade two listed walls and structures, 10a Yorkersgate and the Malton Conservation Area. This application is related to 16/00054/FUL and 16/00055/LBC.

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 adopted 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**

**POLICY SP10 PHYSICAL INFRASTRUCTURE**

POLICY SP12 HERITAGE

POLICY SP14 BIODIVERSITY

POLICY SP16 DESIGN

POLICY SP16 DESIGN, IN RELATION TO REFERENCE TO VISUALLY IMPORTANT UNDEVELOPED AREAS.

POLICY SP17 MANAGING AIR QUALITY, LAND AND WATER RESOURCES

POLICY SP19 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

### **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”.*

### **THE NATIONAL PLANNING POLICY FRAMEWORK**

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

- 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 relation to the consideration of the proposed development are considered to be:

- **Principle of the development**
- **Neighbourhood amenity**
- **Parking and traffic management**
- **Ecology**
- **Design and Visually Important Undeveloped Area**
- **Heritage**

## PRINCIPLE OF THE DEVELOPMENT

Both the Ryedale Plan - Local Plan Strategy and the NPPF are broadly supportive of development that improve the vitality of town centres and benefits the local economy. Aim 1 of the Ryedale Plan - Local Plan Strategy 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 plan are also a key consideration:

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.

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 Local Plan Strategy (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, 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.

The applicants have advised that there are significant costs involved in the renovation of the proposed permanent extension and alteration to York House (see applications 16/00054/FUL AND 16/00055/LBC), and therefore it is vital to ensure that there is sufficient demand for the proposed use, and further information in relation to its potential viability. On that basis they consider that a temporary venue is essential to enable the demand and viability to be fully assessed.

Information has been provided by the applicants to state that a period of three years is necessary to enable two full years of operation. The proposed timescale will be considered in detail in the sections of the report on the heritage assessment . Officers are of the opinion however that there is no objection in principle to the proposed temporary proposal subject to satisfaction of other material considerations. This is in particular in relation to heritage assessment and neighbour amenity. The marquee and toilet block will be relatively easy to remove, and any necessary repairs to the ground can be carried out. The ground works to York House are very much a 'light touch' and will not restrict any other future use, should it be considered for any reason that the permanent development should

not go ahead. With the exception of any necessary extraction equipment, the works to 10A Yorkersgate are also relatively minor. No.10A, is one of a range of buildings that have also been vacant for many years, and it is considered that a new use, albeit on a temporary basis will have the potential to 'kickstart' the re-use of more of the buildings in the range.

## **NEIGHBOUR AMENITY**

It is not considered that the change of use of the ground floor of York House, or indeed 10A will have a significant adverse impact on the existing amenities of neighbouring occupiers. The use in itself will generate more traffic, and comings and goings. However it is situated on a main road through Malton where there are many other commercial business. As such it is not considered that these uses will give rise to a significant difference in background noise levels, or disturbance from comings and goings.

The key consideration however is the use of a marquee for events that will be operational until midnight. This has the potential to result in an adverse impact on the existing amenities of neighbouring occupiers. This is in particular because the use will not be for 'occasional' use but very frequent. The concern in particular relates to those occupiers of dwellings on Yorkersgate and Riverside View to the south of the river. Whilst there is some distance between the location of the marquee and those properties, the lack of barriers to sound transmission, together with the topography has the potential to allow noise to travel further. Problems could arise in particular because of the relatively flimsy construction of a marquee, together with noise from deliveries, guest arrival/departures, fireworks, light displays etc.

Indeed as a result of local consultation on the planning application, verbal complaints have been received from two different occupiers of residential properties on Riverside after an event was held recently in the grounds of The Talbot Hotel. It is known that the main complaints related to the volume of noise of amplified music, the use of flashing lights and the hours the event ran for.

Officers have taken account that the application site is within a commercial part of town, with other restaurants and public houses that can also give rise to noise late at night. Nevertheless, those existing businesses are within permanent structures, and therefore the noise is predominantly related to the use of beer gardens, or when amplified music is played with doors open.

Conditions can be imposed to require a noise mitigation strategy. However it is considered that this should only be imposed if officers have sufficient information to demonstrate that such strategy will be likely to be effective. The applicants have taken on board the concerns raised by officers, and have consulted two different noise specialists to ascertain whether appropriate mitigation is able to address the concerns raised.

One such strategy involves the use of 'intelligent speaker systems' , together with sound proofing works and specifically designed process-limiting software. This minimises the frequencies that have traditionally caused the most disturbance. The levels set are informed by initially carrying out existing background levels at the nearest noise sensitive receptors. The system works by utilising highly directional speakers which direct the music direct to the dance area, and which reduces outward sound transmission. The level of the sound emitted is agreed and set to that level. If the level is exceeded, the system can be set to automatically cut the power. The details will be dependant on the Noise Management Strategy report to be discharged by condition. The other benefit, is that because the sound of the music is directional, it is quieter at the tables around the dance floor etc and therefore people speaking within the marquee do not have to raise their voices to be heard over the music. It is noted that the system only works with amplified music/voices. Therefore it will also be necessary to restrict the use of drum kits to digital drums that will utilise the approved system.

Noise from music is only one aspect of potential disturbance. Therefore it is considered that the Management Plan should also address the use of the grounds around the marquee, hours of operation, and a restriction on fireworks and lighting. It is therefore recommended that all events finish at midnight, with music ceasing at 11pm.

Taking account of the use of a system as outlined above, the Council's Environmental Health Officer has advised that she is confident that disturbance from the development can be minimised, and has **no objections** to the development subject to conditions.

The recommendation is made on the basis of a submitted Noise Management Strategy, however it is important that the events held meet the requirements of the strategy, and are managed by the operators to ensure that the use does not have a significant adverse impact on the amenities of neighbouring occupiers. It is therefore recommended that a review of the Noise Management Strategy is carried out after one year from commencing the first event, to ensure compliance with the agreed levels, unless a verified complaint is received prior to that date.

It is considered therefore that subject to a robust Noise Management Strategy, the development will not breach that part of Policy SP16 that relates to amenity and well-being or that part of Policy SP20 in relation to amenity and safety.

## **PARKING AND TRAFFIC MANAGEMENT**

The applicants have submitted a parking layout and strategy that applies to both this, and the application for the permanent event development to be considered under References 16/00054/FUL and 16/00055/LBC. It is considered that the issues are the same for both applications.

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 additional cars can be accommodated. The Business 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 within 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.*

Taking account of the details provided with the application, there appears to be a shortfall of approximately 20 spaces on site, 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 readily 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 they 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 and 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 stated:

*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 on-site car parking spaces compared to anticipated numbers breaches those parts of policies SP10 and SP20 of the Ryedale Plan - Local Plan Strategy. However given the sustainability of the location, and the lack of any objection from the Local Highways Authority, it is considered that the level of parking provision is acceptable, and the use will not be likely to result in an adverse impact on pedestrian or highway safety.

## **ECOLOGY**

It is not considered that the works proposed will impact on any protected species, and the Council's Countryside Officer has not raised any objection to the development.

## **DESIGN AND VISUALLY IMPORTANT UNDEVELOPED AREA**

The Ryedale Plan - Local Plan Strategy and the NPPF include policies that emphasise the importance of good design. 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 relation to the works to York House, and 10A Yorkersgate, it is considered that the design impacts are relatively minor, and respect local distinctiveness. In relation to the temporary toilet block and the marquee, the impact of these structures on all the relevant heritage assets is considered in the Heritage Section of this report. However in relation to design itself, it is not considered that the toilet block will be readily visible in the streetscene. It is set well back on site, will be clad in timber and is subordinate in scale and therefore will not jar in the streetscene.



The marquee is a larger structure that will be placed on a timber plinth, with steps up to the entrance. Its scale is broken up by its design with three 'pitched roofs' to it. York House rises above it to the rear when viewed from the south. It is considered that whilst the design does not in itself respect 'local distinctiveness' the design and material of the marquee is of an ancillary nature that is not inappropriate in the grounds of a large house or hotel. The initial plans included a canopy that linked the marquee to York House. However this part of the application was deleted from the plans after objections were raised in relation to it from a number of Statutory consultees, together with the Council's Building Conservation Officer.

In relation to the designation of the grounds of York House as a Visually Important Undeveloped Area (VIUA), the policy in the Ryedale Plan - Local Plan Strategy states;

*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.*

Whilst the VIUA was designated a significant time ago, it is considered that it is still fulfils the requirements today. The rear of York House is only visible from limited public places, however these include Riverside View, the footpath along the river and from the railway, together with a side elevation from Navigation Wharf to the east. It is considered that a permanent structure in this location would harm the views and vistas as well as forming built development that harms the VIUA. However there are significant economic benefits that will result from the expansion of the business, together with the benefits of the re-use of York House which has been increased for well over a decade. It is considered that taking these into consideration along with the temporary nature of the development the harm is outweighed by the benefits.

It is considered that the proposed development breaches that part of Policy SP16 that relates to local distinctiveness, but that the harm is minor due to the ancillary nature of the development and its temporary use. Furthermore the location in the Visually Important Undeveloped Area is also addressed by the temporary nature of the marquee and toilet block. The economic benefits are considered to outweigh the loss of that part of the site on a temporary basis and the impact on the VIUA is reversible. As such it is not considered that this part of Policy SP16 is breached.

## **HERITAGE**

The application site is of significant importance in respect of the impact on a number of heritage assets. The application directly affects the grade II\* listed York House, 10a Yorkersgate and Malton Conservation Area. The application also affects the setting of York House, and the Talbot Hotel. The plans include a new pedestrian opening within the Grade II listed garden wall which extends 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 all grade II listed.

The Council's Conservation Officer advises that the character of the Conservation Area at this point is characterised as a largely green and open space forming the 'garden to a large, imposing former high status dwelling house. The house has been designed to interact with the river and gardens in a leisurely manner'. The erection of a marquee within this will therefore affect the character of the conservation area. The Planning (Listed Buildings and Conservation Areas) Act 1990 states;

72-(1) In the exercise, with respect to any buildings or other land in a conservation area, of any of the subsections in section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Officers have had regard to that duty, and consider that the marquee will have the appearance of a temporary structure by virtue of its very nature, materials and design. It will be perceived by those looking at it as an ancillary structure that does not have a significant adverse impact over a short time period. Nevertheless its more permanent siting would change one's understanding and

consideration of the area. Consequently it is considered that the development breaches that part of Policy SP12 that refers to 'conserving' conservation areas to a very minor degree.

Since the application was submitted, the design of the marquee has been revised to delete the covered walkway, and to modify the roof design to provide a more elegant structure that better reveals York House behind it. It is considered that these changes are a significant improvement to the design.

Consultation responses have also been received from the statutory consultees who were required consultation on the application. Their full comments are available to view on the Council website. Objections were initially received from Historic England, The Georgian Group, The Yorkshire Gardens Trust, and further information was required by the Council's Building Conservation Officer prior to a response being made.

In relation to the objection from the Yorkshire Gardens Trust, it is considered that the potential damage to existing historical features and historical character of the garden is minor. The suggestion of using the lower parts of the grounds could result in a different impact and a poorer relationship with both York House and the Talbot Hotel. It is not considered that the marquee will have any significant permanent impact on the gardens, and the economic benefits are considered to outweigh any short term harm.

The Georgian Group, considered that the events marquee will cause significant harm to the setting of the C1700 southern facade of York House, and will also cause harm to its historic gardens, which the Yorkshire Gardens Trust has identified as being a remarkable survival of their period. They further state:

- The proposed structure will stand in close proximity to the house's garden facade and will occupy the entire length of this important elevation hiding the house from view from outlying parts of the gardens.
- The proposed marquee will also have an impact on the wider setting of the adjoining Grade II\* Talbot Hotel.
- The Georgian Group is mindful that once a precedent for the existence of such structures is established, local authorities can find it difficult to refuse consent for repeated extensions of their agreed lifespan.
- little information has been provided on the development and significance and historic development of their setting.

It is considered that the revised design for the marquee and the removal of the canopy to York House are a significant improvement on the original plans. The Council's Building Conservation Officer states:

*'In my opinion, the design and scale of the events marquee have been chosen to mitigate the impacts of the structure on the setting of the listed building. The location of the marquee on the lower terrace still enables York House to be read as an independent structure and the 3 peaked roof design echoes the gables to York House and reduces the bulk of the roof. The size of the marquee in proportion to the gardens and wider views into surrounding green areas still enables the surrounding green space to be the principle land use.'*

In view of the objections and concerns raised by the different consultees, detailed meetings were held with the applicants, together with Officers from Historic England. As a result of the meeting, a significant amount of further technical reports have been submitted to address many of the concerns raised by statutory consultees. The reports relate to all four applications and include;

- fire strategy
- services plan
- additional structural information
- revised plans

- additional heritage impact statement
- car parking strategy
- archaeological information
- report on heritage significance by Fiona Green
- Talbot Hotel Historic Building Assessment.

Having considered the additional information, The Council's Building Conservation Officer has advised:

*In my opinion the design and scale of the events marquee have been chosen to mitigate the impacts of the structure on the setting of the listed building. The location of the marquee on the lower terrace still enables York House to be read as an independent structure and the 3 peaked roof design echoes the gables to York House and reduces the bulk of the roof. The size of the marquee in proportion to the gardens and wider views into surrounding green areas still enables the surrounding green space to be the principle land use.*

*The simple utilitarian design and materials of the temporary toilet block and discreet location within the service courtyard will also mitigate the harmful effects of the introduction of that structure into the setting of the listed building. The toilet block attached to the marquee is located to be as discreet as possible and read within the same envelope as the marquee structure.*

*Notwithstanding that however, in my opinion the erection of the events marquee and toilet block will have a harmful impact on the setting of the Grade II\* listed building by providing visually distracting structures within the setting of the listed building. This harm can be identified as being very much less, than less than substantial in degree. The mitigating effects of the design, the lack of permanent effect in terms of groundworks and the reversibility of all the proposed structures help inform this assessment.*

*The creation of a new doorway through the eastern boundary wall will result in a minor loss of historic fabric and a breach to the boundary to introduce new entrance points . I am confident that the design and materials of the new doorway is appropriate but the loss of fabric and breach in the wall should be identified as harm and at least be considered and weighed in the planning balance. In my opinion this harm can be identified very much towards the lower levels of less than substantial harm. The harm to the evidential values of the eastern boundary wall will be very limited, the historic values of the wall will be unaffected and the aesthetic values of the wall will be only very mildly affected in the loss of historic fabric. This harm will be mitigated by the thoughtful design of the gateway.*

*The works proposed to York House itself have been clarified in an e-mail from Jan Maciag of 16th June 2016. These consist of repairs works to the house which are welcomed. The introduction of heating, lighting, hot water and foul drainage will also be included in these proposals. I am mindful that in order to provide a sustainable new use for York House that the introduction of these services will be necessary. Information contained within the application documents re sensitive location of service runs in terms of visual effects and fabric effects will mitigate this.*

*The creation of a doorway to unit 10a will have a very much less, than less than substantial harm on the aesthetic value of the structure. this will be mitigated by the appropriate design of the proposed doorway.*

*The linking of the basements of the Talbot Hotel has been addressed in the submitted Heritage Impact Assessment. I am in agreement with the assessment in that document.*

*The rooflight to York House has not been adequately justified and this should be deleted from the scheme.*

*I am of the opinion that any harm identified by this proposal is very much less, than less than substantial harm. According to the NPPF this should be weighed against the public benefits of the scheme. I am of the opinion that the re-use of the currently empty York House and its associated*

*beneficial repair, appropriate scheme of decoration, sensitive introduction of the services identified above and public accessibility to York House outweigh any of the harms identified.*

The final responses have also been received from Historic England. The summary of their response states;

*We attended a site meeting with the applicant and representatives from your authority on 26 July 2016. The meeting was attended by our Senior Structural Engineer and our M and E engineer (relates to building services). 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 now 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 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.*

In relation to timing, the application seeks consent for a temporary period of time. The applicants have advised that they require a three year time period. Phase 1 would relate to external repairs to York House building envelope. Phase 2 would be the establishment of the wedding venue infrastructure, including the ground floor of York House, temporary kitchen, marquee and toilets.

Business operation would be for 2 full summer seasons with an evaluation on whether to proceed to full implementation in the summer of 2018.

Historic England have advised;

*"We remain concerned about the proposal for issuing a temporary permission for three years. We previously advised that a temporary permission should be limited to two years. Should you be minded to accept the permission for three years, it should be on the strict understanding that an extension of time would not be acceptable."*

The application was submitted in February, and accompanied by a time scale in relation to the works to the ground floor of York House, the infrastructure, creation of a temporary kitchen, and siting of the marquee and toilet building. Due to the complexities of the additional information required as a result of consultation responses, the submitted program has slipped. Further clarification on a revised programme has been requested. Members will be updated at their meeting to enable them to consider the implications of any responses to the proposed timescale.

## **SUMMARY AND PLANNING BALANCE**

The application has been submitted on a temporary basis for economic reasons, to enable the applicants to assess the likely viability of the link building and change of use of York House as an events building in connection with The Talbot Hotel. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Applying the provisions of the development plan to the application, it is considered that the principle of the development accords with the plan when read as a whole in terms of the proposed use, and its location. The report identifies that the parking and highway strategy breaches Policies SP10 and Policy SP20 in relation to the level of parking. However this is considered to be minor in effect due to the location of the site in a sustainable location, and the likelihood that some users of the facility will utilise accommodation elsewhere, and walk or use a taxi to the venue.

In relation to Ecology, the Council's Countryside officer has not objected to the proposed development, and indeed all of the applications on the site have been informed by a Bat Assessment. Accordingly there is no breach of Policy SP13.

It is not considered that the detailed design of the toilet block and the marquee reflect local distinctiveness in strict design terms. They therefore breach that part of Policy SP16. Nevertheless, the marquee and toilet block will appear ancillary to York House, and the setting of The Talbot Hotel. Taking this into account together with the temporary nature of the development, the breach is balanced. It is also accepted that the economic benefits of the development, together with the temporary nature of it, satisfy that part of Policy SP16 that relates to the Visually Important Undeveloped Area.

Neighbour amenity is a key consideration of the application. This is by virtue of the location of the site in relation to neighbouring occupiers, the topography of the site, and the lightweight structure of the marquee. As a result of further information submitted by the applicant, the Council's Environmental Health Officer does not object to the development subject to the imposition of robust conditions. Accordingly it is not considered that the development breaches those parts of Policies SP20 and SP16 that relates to amenity.

Members will note from the detailed responses submitted, ( and which are available to view on the Council's public access system) that the consultation responses from a number of statutory consultees have raised objections.

As a result of these responses, further detailed reports have been submitted by the applicant, together with in -depth discussions with specialists from Historic England. Re-consultation has been carried out in relation to the additional information, and some responses are still outstanding. Members will be updated on either the late papers, or at their meeting if any further responses are received. Nevertheless, the additional information does not change the principle of the erection of a marquee in this location, or the toilet block. Officers think therefore that those objections in relation to the principle of the development are likely to remain. Inevitably, in some cases, there is a difference of professional opinion with some consultees giving greater weight to different aspects of a development. In this case there is no objection from The Council's Building Conservation officer, Historic England, (who are advisers to the Government), nor County Archaeology. Policy SP12 of the Ryedale Plan - Local Plan Strategy also seeks to ensure that designated historic assets and their settings will be conserved and where appropriate enhanced. Officers are of the opinion that this part of Policy SP12 is breached in a minor way. The harm however is less than substantial, and the economic and heritage benefits of the development, are considered to outweigh that harm, in accordance with both Policy SP12 of the Ryedale Plan - Local Plan Strategy, and Section 134 of the NPPF. Furthermore taking account of the submitted information, the development will help to secure an optimum viable use of the building. The sensitive repair and re-use of York House is of significant heritage benefit, as are the economic and heritage benefits of a development that adds to the cumulative regeneration of the western entrance to the town.

It is also, considered that the proposed development accords with those parts of Policy SP12 that seeks to safeguard elements of the historic character and value in the built up areas, including VIUAs.

Taking account of the appraisal above, together with the requirements of Policy SP19 in relation to a presumption in favour of sustainable development, the **recommendation is one of approval subject to any outstanding consultation responses and further information on the timescale for the development.** A suite of detached Conditions will follow on the late pages, to ensure in particular that those in relation to noise mitigation are sufficiently robust.

**RECOMMENDATION:**

**Approval subject to any outstanding consultation responses and further information on the timescale for 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