

Item Number: 11
Application No: 16/00213/LBC
Parish: Malton Town Council
Appn. Type: Listed Building Consent
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: 18 August 2016
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Society Protection Of Ancient Buildings (SPAB)	No views received to date
Ancient Monuments Society	No views received to date
The Council For British Archaeology	No views received to date
Building Conservation Officer	No objection
Historic England	The proposals overall would cause less than substantial harm to the significance of the designated heritage assets affected
Georgian Group	Object
Garden History Society	No views received to date
Parish Council	No objection
Twentieth Century Society	No views received to date
The Victorian Society	No views received to date
Countryside Officer	No comments on this application
Countryside Officer	No views received to date
Yorkshire Gardens Trust	Objection and comments

Neighbour responses: Mr Nigel Copsey,

PROPOSAL:

A listed building application has been submitted for works to in connection with the planning application at York House:

- Change of use of ground floor of York House
- service connections in connection with the erection of an events tent together with wooden steps, and temporary toilet building.
- service connections, fitting out and formation of door within unit 10A to the rear of 37 Yorkersgate.

For clarification however, applications for listed building consent must be determined in accordance with S16 (2) of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990, as opposed to Section 66 - (1) which relates to planning applications.

This includes the following requirement:

16 - (2) *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State 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.*

APPRAISAL:

It is considered that the heritage assessment of the application relates to the same issues that will be considered within the heritage appraisal on the planning application, (16/00212/FUL). Indeed the statutory consultees have addressed both the planning and application in one response. Members are therefore advised to refer to the report on planning application 16/00212/FUL.

It is of note, however, that Regulations are in place in relation to the consultation and referral of heritage application: (Arrangements for handling heritage applications - notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015). The regulations require certain heritage applications to be referred to the Secretary of State for determination.

Referral is required where an objection is received from Historic England or a National Amenity Society (as listed in the Regulations), setting out their reasons for objecting and stating that the application should be notified or referred to the Secretary of State.

In this case, however, whilst an objection has been received from The Georgian Group, they have not stated that the application should be notified or referred to the Secretary of State. Consequently, the application does not trigger a requirement to refer to the Secretary of State.

RECOMMENDATION: **Approval subject to conditions**

Background Papers:

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