

COMMITTEE REPORT

Date: 11 June 2015 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
 Commercial Team Panel

Reference: 15/00115/LBC
Application at: The Malt House Lower Darnborough Street York YO23 1AR
For: Conversion of Malt House into 6no. residential units
By: Mr Martin Burgess
Application Type: Listed Building Consent
Target Date: 20 March 2015
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 Listed Building Consent is sought for alterations in connection with the proposed conversion of Clementhorpe Maltings to residential use (6 flats). Associated planning application reference (15/00114/FUL) is also being reported to this sub-committee.

1.2 Clementhorpe Maltings is Grade II listed. The National Heritage List for England states the reason for the building's designation as a 'highly legible example of a small, urban late 19th century maltings, both in external appearance and the retention of all the key components of the process, namely barley and malt storage, steep, growing floors and kiln. It retains rare machinery relating to the malting process.' It is a three storey rectangular brick buildings aligned north-south between Lower Ebor Street and Lower Darnborough Street in Clementhorpe, with a drying kiln at the south end. It is a solid brick structure of simple vernacular form with few penetrations for windows. The large slated roof is in two parts with the distinctive pyramidal roof and vent towards Lower Ebor Street. There has been substantial rebuilding of walls at the north and northeast end of the building but in other areas the special windows, shutters and brick shutter boxes remain in place. Internally the original structure supported by cast iron posts has been retained in seven of the ten bays. The north end has suffered loss of floors above first floor level in two full bays and the remaining sections are carried on steel section supports marked with branding from Shotton steelworks indicating a mid 20th century insertion.

1.3 A full planning application and a separate accompanying listed building consent application have been submitted for the conversion of the building into six town houses; two 2-bedroom units and four 3-bedroom units. In the main body of the building four houses would be arranged back to back against a central corridor with accommodation stacked vertically. Storage will be on the ground floor with living accommodation above. The houses would take access from a late 20th century

doorway at first floor level in the northwest corner; so a new external platform and steps would be required within the yard.

Two smaller units would occupy the kiln area at the south end and they would have separate access from the existing entrance off Lower Ebor Street. The reopening of existing blocked-up windows would be supplemented by new windows to a new design and by introducing roof-lights. The courtyard would have new landscape for its proposed use as an amenity space.

1.4 The application has been called-in for determination at sub-committee at the request of Councillor Gunnell as it is a listed building in a dense residential area.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The sections in the NPPF most relevant to this proposal include Chapter 12: Preserving and enhancing the historic environment. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

Status of the emerging York Local Plan Publication Draft (2014)

2.2 Following the motion agreed at Full Council in October 2014, the Publication Draft of the York Local Plan is currently not progressing through its statutory consultation pending further consideration of the Council's housing requirements and how it should meet those requirements. The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of the planning application.

2.3 Relevant emerging policies are as follows:

Policy D5: Listed buildings

Policy D9: City of York Historic Environment Record

2.4 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF.

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Flood Zone 2

Flood Zone 3

Listed Buildings: Clementhorpe Maltings Lower Darnborough Street; Grade 2

2.5 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 This is an imaginative scheme of alteration which preserves many special qualities of the building, including its equipment. The loss of openness in the central section of the building and the removal of the storage bins would cause some harm to significance, though this would be mitigated by the new cross walls providing necessary structural stability and by the storage bin doors being retained. No other viable use has come forward in the last ten years; therefore the current ingenious residential scheme is seen as the optimal viable use compatible with the building's long term conservation and as such it has public benefit. Subject to the minor alterations suggested the scheme would be supportable as sustaining the special architectural and historic interest of the building for the future.

EXTERNAL

Historic England

3.2 Historic England welcomes the proposed conversion and re-use of the redundant malt house. Given the nature of the building we recognise the need for a relatively high degree of alteration in order to achieve a meaningful and economically sustainable re-use of this building. We are comfortable with the insertion of the internal walls, which will divide the living units and at the same time will stabilise this structure.

3.3 They consider that with some minor modifications and clarifications mentioned in their response that the proposal meets the requirements of paragraphs 131 and 132 of the National Planning Policy Framework. Although some harm will be caused by the loss of internal openness, the loss of part of the storage bins and due to the introduction of additional windows, they consider this is outweighed by the retention and re-use of this building in a viable use, thereby ensuring that its significance is sustained into the future. Its communal value would be enhanced by public access into the lobby of the converted building to see the machinery and equipment and to gain a clearer understanding of the purpose of the building and they would welcome this.

3.4 Conditions are recommended relating to details and materials, recording of the building and its equipment in its current state in record quality photographs and drawings. The record should be lodged in the local Heritage Environment Record. Either an archaeological watching brief or other measures considered appropriate by your Council's archaeologist should be conditioned to monitor the foundation trenches to be excavated.

3.5 A second consultation response was received following receipt of revised drawings stating that Historic England welcomed the changes that have been made to the scheme, notably the removal of the previously proposed new outer windows from the first and second floor levels of the south elevation. This greatly improved its appearance, retaining the strong sense of mass which characterised this façade. They are content with the relocation of the hoist (i.e. the double bucket elevator) to the entrance lobby.

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3.6 Support the proposals.

Publicity and Neighbour Notification

3.7 One letter received in support.

4.0 APPRAISAL

4.1 The key issue is the impact on the special architectural and historic importance of the listed building.

Statutory duty – Planning (Listed Buildings and Conservation Areas Act 1990 (as amended))

4.2 Section 16 requires the Local Planning Authority when determining Listed Building Consent applications for development that affects a listed building or its setting to 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.

4.3 Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

4.4 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

4.5 Chapter 12 of the National Planning Policy Framework (NPPF) considered the conservation and enhancement of the historic environment. It explains at paragraph 131 that in determining planning applications for heritage assets, consideration should be given to sustaining and enhancing their significance and putting them to viable uses consistent with their conservation; the positive contribution that their conservation can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

4.6 Paragraph 132 states that when considering the impact of 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 by 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. . Caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duty imposed on the Local Planning Authority by Section 16 of the 1990 Act.

4.7 It is recognised that the requirements for residential use cannot be met in this type of building without a significant change of internal and external character. The specific harm to the listed malthouse is identified as being:

- the loss of openness on each of the floors (three floors plus the loft floor);
- the removal of the timber storage bins which comprise most of the second floor;
- the relocation of double bucket hoist to the lobby from its original position; and
- The additional window openings on the building's exterior elevations and the impact on the character of the external and internal building envelope and roofscape.

4.8 The particular constraints of the building are identified as a lack of light and outlook, sub-standard head height, structural problems, space taken up by machinery, restricted access and little external space. The proposals have used the constraints to develop an imaginative proposal which would achieve good residential amenity.

The alterations would enable the external character of the building as a malthouse to be understood, and they would preserve the internal openness of the interior at the north end whilst managing to retain the structure and equipment intrinsic to the building in its current location, or moved to the lobby for viewing.

4.9 The biggest impact on the building would be the loss of openness on each of the floors. To take advantage of the potential for top-light and to exploit the quality of space the accommodation in each unit would be stacked vertically with habitable rooms on the upper floor of the deep plan element. The new cross walls, acting as party walls, would provide the necessary lateral bracing to stabilize the structure.

4.10 The openness at the north end of the building would be retained as a shared lobby; so by entering through the wide doorway near the northeast corner the full spatial experience would be available as it is at the moment. From the large lobby floor some of the retained equipment would be visible in its existing location ie the cistern steep, the early 20th century dressing machine, hopper and hoist doorway (with its external canopy). By introducing the continuous roof-light over the new entrance lobby its quality of light would be enhanced and this would be supplemented by glazing the 20th century doorway being used as a main entrance.

4.11 Floor plans show the kiln furnace being retained in-situ and accessible from the smaller entrance lobby off Lower Ebor Street. The double bucket elevator runs full height through the building close to the later inserted wall separating off the drying area. It will be relocated to the main lobby in the north of the building to be more visible and to address concerns over repair and maintenance as if it was retained in situ it would have to be within its own compartment at upper floor levels.

4.12 The timber storage bins would be removed as they take up almost the whole of the second floor. They cannot be converted for use and their retention would lose too much space. The large sliding doors would be retained and relocated adjacent to the main entrances of the four houses in the main part of the building. The numbering system for the houses has been designed to correspond with the numbers on the doors.

4.13 Head height on the lower two floors is inadequate for residential use. On the ground floor this problem would be overcome by locating storage here. On the first floor it would be alleviated by introducing the new structure within the existing beam depths rather than on top of the beams, and by removing the thick build up of coverings.

4.14 The number of new window openings has been kept low by re-opening former blocked windows and by adding natural light through roof-lights. Roof-lights have been aligned with window positions. In addition new windows would have a simple design set deep within the wall. This would help to maintain a solid appearance in the external envelope.

The originally proposed new windows on the south elevation have been removed in line with recommendations from Historic England. The philosophy behind the new elements is that they would be of a contemporary design compatible with the simple robust character of the building.

4.15 The external envelope would require upgrading and this would be achieved by adding wall linings and by inserting insulation in the depth of the roof structure. The windows would also be re-made so that the shutters could be re-fixed in a recessed wall pocket similar to the existing. Existing shutters and catches will be re-used where possible.

4.16 Internally there would be a spatial and a visual inter-relationship between new and existing work. In the kiln area the dining room mezzanine overlooks the entrance/kitchen space. The submitted plans also show internal windows looking into the lobby from residential Units 3 and 4 at second floor level.

4.17 Externally the metal grills of the drying floor would be reclaimed for use in the courtyard. The rusted metal sheets may be brittle and they lack support so it would not be possible to retain them in their current location. The courtyard gates are of poor quality and previous buildings within the courtyard have been demolished. The high walls should be retained but it is desirable to renew the gate-piers and to have some visibility through the new gates.

4.18 It is considered that the proposals, taking into account the mitigation measures discussed in the above paragraphs, would result in less than substantial harm to the special historic and architectural interest of the listed building.

5.0 CONCLUSION

5.1 This is an imaginative scheme of alteration which preserves many special qualities of the listed building, including its equipment. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the preservation of a listed building and any features of special architectural or historic interest which it possess.

5.2 Even where harm is less than substantial, any harm must be given considerable importance and weight. The specific harm to the malthouse through the conversion was identified as being the loss of internal openness, the removal of the timber storage bins, the relocation of the double bucket hoist and the impact of the additional openings on the external and internal appearance of the building.

5.3 It is considered that even when giving considerable importance and weight to the harm to the listed building, the positive benefits of the high quality imaginative scheme, including the retention and re-use of the building in a viable use (after various alternatives were considered and discounted), removal of visual blight from

the neighbourhood and the retention and enhancement the industrial character of the building (including retention of rare machinery in situ) outweighs the identified harm to the listed building. No other viable use has come forward in the last ten years; therefore the current residential scheme is seen as the optimal viable use compatible with the building's long term conservation and as such it has public benefit.

6.0 RECOMMENDATION: Delegated Authority to APPROVE the application following the receipt and consideration of an emergence bat survey and subject to:

- i. any appropriate conditions or amendments required to accommodate bats, and
- ii. the following conditions:

1 TIMEL2 Development start within 3 yrs (LBC/CAC) -

2 The development hereby permitted shall be carried out in accordance with the following plans:-

- Location plan 133-PL-101 (dated 21.01.15) logged 22.01.2015
- Proposed ground floor plan 118-PL-113B (dated 15.01.2015) logged 18.05.2015
- Proposed first floor plan 118-PL-114A (dated 15.01.2015) logged 13.03.2015
- Proposed second floor plan 118-PL-115A (dated 15.01.2015) logged 13.03.2015
- Proposed third floor plan 118-PL-116A (dated 15.01.2015) logged 13.03.2015
- Proposed south elevation 118-PL-117A (dated 15.01.2015) logged 13.03.2015
- Proposed west elevation 118-PL-118 (dated 15.01.2015) logged 22.01.2015
- Proposed east elevation 118-PL-119 (dated 15.01.2015) logged 22.01.2015
- Proposed north elevation 118-PL-120 (dated 15.01.2015) logged 22.01.2015
- Proposed site plan 118-PL-112A (dated 21.01.2015) logged 18.05.2015
- Proposed window schedule (1) 118-PL-124A (dated 15.01.2015) logged 13.03.2015
- Proposed window schedule (2) 118-PL-125A (dated 15.01.2015) logged 13.03.2015
- Proposed door schedule (1) 118-PL-127 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation AA BB 118-PL-121 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation CC 118-PL-122 (dated 15.01.2015) logged 22.01.2015
- Proposed sectional elevation DD 118-PL-123 (dated 15.01.2015) logged 22.01.2015

- Detailed section 118-PL-130 (dated 21.01.2015) logged 22.01.2015

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Large scale details (scale 1:20, 1:5 as appropriate) of the following aspects of the scheme shall be submitted to and approved in writing by the local planning prior to the commencement of the relevant part of the development and shall be implemented in accordance with the approved details:

- External platforms and balustrades
- New external and internal doors, including side screens where appropriate
- New windows (including internal ones)
- Re-made windows, shutters and shutter housings
- Typical sections and plans for one unit in the main body of the building. Larger details should also show connections between the new and old floor, wall and roof structures.
- Typical section and plans for one of the kiln units
- Any adaptations of existing elements in the proposed lobby. A section of the tiled floor covering should be retained.
- New gates and any modifications to the boundary wall

Reason: Because of the special interest of the listed building in accordance with Policy HE4 of the Local Plan.

4 A schedule of internal finishes and fittings and external doors shall be submitted and approved in writing by the local planning authority prior to the commencement of the relevant part of the development and shall be implemented in accordance with the approved details.

Reason: Because of the special interest of the listed building in accordance with Policy HE4 of the Local Plan.

5 Details and the location of any external vents and the location and details of any alterations to rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the listed building.

6 Full details of landscape proposals, including external lighting, should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and works shall be carried out in accordance with the approved details.

Reason: Because of the special interest of the listed building

7 Prior to the commencement of the development the building should be recorded in accordance with an Historic England level 2 photographic and drawn record (ref "Understanding Historic Buildings: A guide to good recording practice" English Heritage 2006. The record should be lodged in the local Historic Environment Record. External and internal attachments of historic significance should be identified on plans for retention including the metal stay at the north east corner.

Reason: To retain a record of the special interest of the listed building. This is required prior to the commencement of development in order because of the need to retain a record of the building before development.

8 Before any repairs are carried out a schedule of repairs shall be submitted to and approved in writing by the Local Planning Authority, and this should include any measures for cleaning, repairing and presenting the equipment .

Reason: To ensure the preservation of the special character of the listed building

9 An information board shall be provided on the external yard wall to explain the building and illustrate its equipment in the context of the malting process formerly carried out on this site. The design and location shall be submitted to the Local Planning Authority for approval and the approved scheme shall be implemented prior to the first occupation of the building.

Reason: To preserve the special character of the listed building for the long-term appreciation of the public.

7.0 INFORMATIVES: Notes to Applicant

1. OPEN DAY

The Council advises holding an open day prior to occupation and advertising this for the local community and for other interested parties such as industrial archaeology groups and the Council for British Archaeology. This is to enable the general public to view the building for its historical interest prior to private occupation.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the

application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Revisions to the south facade comprising the removal of some windows originally proposed to comply with advice from Historic- England and the Conservation Architect
- The addition of partially obscured internal windows in the third floor bedrooms of Units 3 and 4 onto the cistern steep in the lobby
- The agreement to the insertion of obscured glazing in the external northern bedroom window at first floor level of Unit 3 to minimise overlooking of the garden of No. 11 St Bridget Court
- Negotiation over the ramped cycle access into the ground floor storage. A cycle ramp on the stairs was agreed to have the least impact on heritage assets
- Agreement to retain parts of the original tiled floor in the lobby
- Revisions to plans showing the double bucket elevator moved to the lobby
- Agreement to record and identify external and internal attachments to the building of significance and provide an information board for the public

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