

COMMITTEE REPORT

Date: 13 October 2021 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 19/02753/FULM
Application at: Barnitts 28A Colliergate York
For: Conversion of Drill Hall and upper floors of 28a Colliergate from retail to residential (Use class C3) creating 10no. townhouses and 2no. apartments, and associated alterations
By: Oakgate Group Ltd And Barnitts Ltd .
Application Type: Major Full Application
Target Date: 15 November 2021
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to part of the Barnitts' retail premises on Colliergate and St Andrewgate; no. 28a (which accommodates the clock and sits independently from the rest of the Barnitts facade), the Drill Hall, which is on St Andrewgate, and attached buildings behind. These parts of the premises are now surplus to requirements. Barnitts have excess floor-space at the city centre premises, as bulkier goods are now stored at their James Street premises.

1.2 The Drill Hall and 28a are Grade II listed. No. 28a dates from the early C19 and was originally a house. The Drill Hall was constructed in 1872 and 28a became part of this facility. Barnitts acquired the Drill Hall buildings in the 1990s. The main Drill Hall building was added to the Grade II listing for 28a in 1997. The site is in the Central Historic Core Conservation Area and City Centre Area of Archaeological Importance.

PROPOSALS

1.3 Full Planning Permission and Listed Building Consent applications have been submitted to detach the buildings from the remainder of the Barnitts' store and for conversion into 12 dwellings, and a ground floor retail unit within 28a.

1.4 In 28a the frontage building would accommodate a 2-bed dwelling on the upper floors, and a second dwelling created on the upper floors to the rear. The dwellings would be accessed via St Andrewgate and the Drill Hall.

1.5 Behind the Drill Hall and behind nos.27 and 28 Colliergate the existing building would be converted into a 2-storey 3-bed dwelling. Single storey structures to each side of this building, which date from the late C20, would be demolished.

1.6 There would be eight 3-bed dwellings installed within the Drill Hall. Access into townhouse 1 would be via the existing side access to the Drill Hall. The central access would lead to an open courtyard and the remaining dwellings. The townhouses would be over 3-storey. The existing roof covering will be replaced. The new structure has roof-lights, set behind the parapet, and perforated sections towards the ridge to allow natural light and ventilation into the proposed courtyard and subsequently the proposed houses.

1.7 The rear wing of the Drill Hall (which sits against the side boundary shared with St Andrew Place) would be converted into a 2-bed dwelling.

1.8 All windows would be removed, repaired and adapted to accommodate double glazing. A new window pattern is proposed for the Drill Hall, copying a window at the rear of the building, which is assumed to be the original design.

DEFERRAL

1.9 The application was deferred by members at Area Planning Sub-Committee on 11th November 2020 to allow for an independent viability review, to determine whether the scheme could provide for planning obligations. The obligations being affordable housing and contributions towards education and open space.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these should be applied.

2.1 Key policies / sections of the NPPF are as follows -

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

The Publication Draft City of York Local Plan 2018 ('2018 DLP')

2.3 In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.4 Key relevant DLP 2018 policies are as follows –

DP2 Sustainable Development
DP3 Sustainable Communities
DP4 Approach to Development Management
SS1 Delivering Sustainable Growth for York
SS3 York City Centre
R1 Retail Hierarchy and Sequential Approach
R3 York City Centre Retail
H10 Affordable Housing
D1 Placemaking
D4 Conservation Areas
D5 Listed Buildings
D6 Archaeology
GI6 New Open Space Provision
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development
ENV5 Sustainable Drainage
DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

CONSERVATION ARCHITECT

3.1 The Conservation Architect considers that the significance of the drill hall does not rest “almost entirely on its external appearance”. Though architecturally the exterior is the most impressive part of the building, the spatial qualities and plan form are also of significance (i.e. its hall like qualities), which though compromised by the inserted first floor, are still legible. This understanding will be lost as a consequence of the proposed scheme. The Conservation Architect objects to the

application and advises that the harm to the significance of the listed buildings is less than substantial; it has been reduced by the latest revisions, but is still categorised as high.

3.2 The proposals will cause harm to the Drill Hall in the following ways:

- Loss of the spatial qualities / volume / character of the Drill Hall. Although the winter gardens will allow some visual permeability into a larger central area within the building, the subdivision of the hall into 8 private dwellings will result in the permanent loss of the hall like qualities of the listed building. Note that the harm could be reduced through a less intense scheme.
- External alterations to the Drill Hall roof, with the inclusion of 12 large roof-lights which are openable (top window opens out to form a “roof”, and the lower window opens out to form a balustrade). Though these windows won't be open all the time (so less harmful than the previous scheme with dormers and roof terraces), when open, they will be visible from Colliergate, St Andrewsgate, and in views from the Minster. They will appear incongruous in York's roofscape, and will harm the character of the Conservation Area. Details of the “fins” over the void in the centre of the Drill Hall need to be finalised, but could potentially be covered by condition to ensure they give the appearance of a solid roof, especially in longer range views.

3.3 There would be harm at 28a due to the loss of the staircase and loss of the historic connection between upper floors and street at 28a Colliergate

3.4 There are benefits to the proposals which will help to better reveal the significance of the heritage assets. These are:

- Reinstatement of gable chimney to Drill Hall
- Spandrel panels across Drill Hall windows no longer needed across Drill Hall windows
- Removal of modern infill structures at the rear of the site
- Removal of external fire escapes
- Return of upper floors of 28a Colliergate to residential use

3.5 The following works also cause harm, although to a lower degree than the aforementioned –

- Multiple cases of replacing traditional glazed historic windows with modern double glazed windows, including on 28a facing King's Square
- Townhouse 9 (ancillary wing of Drill Hall) – harm caused by loss of historic stair.
- Townhouse 10 (building behind Drill Hall) – suggested (contemporary) ground floor fenestration is not characteristic of this group of listed buildings and therefore harmful

ARCHAEOLOGY

3.6 St. Andrewgate and Colliergate are at least medieval in date. Medieval deposits may survive at much shallower depths within 1m of the current ground surface and in some cases just below the modern surface. 28A Colliergate contains a basement which may have destroyed some of the medieval street frontage archaeology.

3.7 The proposals are likely to require ground disturbing works for potential new/strengthening foundations and services. Given the possibility of encountering medieval archaeology at shallow levels an archaeological watching brief will be required with excavation where necessary. An archaeological watching brief can be maintained until archaeological layers are revealed. After reaching archaeological depths hand excavation will be required.

3.8 A photographic recording will also be required for the Drill Hall and 28A Colliergate.

EDUCATION

3.9 Officers seek financial contributions, as schools within the catchment do not have capacity.

HIGHWAY NETWORK MANAGEMENT

3.10 Car-free development can be accommodated in this city centre location, however good cycle facilities are necessary as an alternative. Officers seek two spaces per townhouse, using Sheffield type stands and in a secure enclosure.

3.11 Confirmation was requested that none of Barnitts' existing staff provision was being lost to accommodate this scheme (planning officer note - no formal staff parking is lost).

3.12 The site plan suggests the bollards on St Andrewgate potentially relocated. These bollards are in place to allow servicing for the commercial premises opposite (and Barnitts) to take place from via King's Square avoiding residential streets. This change would not be permitted.

PUBLIC PROTECTION

3.13 Noise - Request longer monitoring, than that carried out in the noise assessment, to determine noise levels on St Andrewgate. Regarding noise from the adjacent public house, monitoring did not represent worse-case scenario, and should be extended to weekends. Suggest the glazing specifications recommended in the noise assessment are increased slightly to ensure that the levels in BS8233:14 are definitely met. If levels are only achievable with the windows closed

then windows in the flats overlooking Kings Square would need have mechanical ventilation.

SPORT AND ACTIVE LEISURE

3.14 The citywide open space audit identifies a shortfall of outdoor sports provision in the Guildhall Ward and within the closely neighbouring wards of Micklegate, Heworth and Fishergate, meaning a contribution would need to be sought. The Outdoor Sport Provision contribution would be used towards the provision of or improvement to sport or active leisure facilities within 2km from the Development. The following facilities would be potential beneficiaries of the S106 funds -

- York RI, Queen Street for development of Queen Street;
- York Hospital Bootham Park pitches;
- York City Rowing Club for development of existing boat house;
- Glen Gardens;
- Heworth Tennis Club.

EXTERNAL

CONSERVATION AREAS ADVISORY PANEL

3.15 The Panel welcome the basic proposals and in particular the need to retain the St Andrewgate elevation. The viability of such residential accommodation in this area of the city was however questioned. The Panel considered it was important to carry out a full detailed recording of the existing buildings, features and structures.

HISTORIC ENGLAND

3.16 Historic England object to the application.

3.17 The amended scheme consists of minor changes to the plans, and minor improvements made in terms of reducing some of the harm to the listed building. Nevertheless, the fundamental issue of the amount of subdivision and therefore loss of spatial character of the Drill Hall remains at the heart of this scheme. HE have repeatedly drawn attention to how the subdivision (both horizontal and vertical) of the Drill Hall and the resulting loss of its spatial qualities would be harmful. There would also be harm to the Conservation Area by the incongruous appearance of the alterations to the roofscape.

3.18 The harm would amount to less than substantial harm to the significance of the Grade II listed building, but at the upper end of this level. This calls for a very strong clear and convincing justification. It should be demonstrated that there is not a less harmful way of achieving residential conversion. In this respect the viability information submitted should be tested independently.

3.19 The historic Drill Hall makes a unique contribution to York's history. There is no objection in principle to the conversion to residential use. This use has the potential to secure the long-term future of the listed building. However, a reduced amount of accommodation has the potential to preserve the listed building in a manner appropriate to its significance, which would not be achieved by the current proposal.

3.20 Within 28a Colliergate related to the proposed new access arrangement is the loss of the historic staircase from ground to first floor. Historic England has concerns over the loss of the stair, and recommend retention if possible.

GUILDHALL PLANNING PANEL

3.21 Support in principle the conversion to residential use, but have concerns which mean they cannot support the current application:

- The density of development is too high, cramming too many small units together with limited amenity space
- The present design lends itself to holiday let use rather than family residences, with shared facilities and community space
- The units are designed to a very low specification, not as quality home. We would not want to live there. Lack of storage, arrangement of kitchens on upper floors and bedrooms on lower floors, limited natural light, overlooking.
- The sustainability and accessibility of the units is unclear

4.0 REPRESENTATIONS

4.1 Eight objection letters received. The following issues raised -

- Impact on neighbour's amenity
- Overlooking from dormers and external amenity space proposed at roof level on the Drill Hall.
- Noise – activity associated with residential use.
- Disruption during construction.

- Relocation of bollards on St Andrewgate raises concerns that it would result in increased construction and commercial traffic in a residential area.
- Proposals unlikely to contribute to meeting housing need. There's no car parking or amenity space and it is therefore likely these premises will be holiday lets. Such uses and the transient occupants lead to noise disturbance.
- The Drill Hall could be re-used as a retail unit, being close to the busy King's Square area.

4.2 Three letters in support received. Comment as follows -

- The York Retail Forum and York BID have made representation in support of the scheme. They support the application because it allows Barnitts to re-purpose its space and adapt to changing customer needs.
- The future of the city depends on the remaining retail outlets being able to adapt to the change in our shopping habits. This application will allow a much loved store to remain for generations to come.
- Drill hall facade retained.

5.0 APPRAISAL

KEY ISSUES

- Principle of the proposed uses
- Impact on Heritage Assets
- Affordable housing
- Other planning obligations
- Amenity
- Highway network management
- Sustainable design and construction
- Archaeology

PRINCIPLE OF PROPOSED USES

5.1 In the DLP 2018 Colliergate is a secondary shopping street and the host premises are annotated as forming part of the primary shopping area.

5.2 The works within 28a Colliergate; the creation of a retail unit facing King's Square and incorporating residential use on the under-used upper floors is consistent with overarching local and national city centre policy regarding economic growth and provision of housing in sustainable locations. These policies are set out

in the economic and social objectives of the NPPF and section 2 of the DLP 2018 which sets out the vision and development principles within the plan.

5.3 The Drill Hall is surplus to Barnitts' requirements and provides a challenge to find a suitable and viable re-use. It is undesirable to alternative retailers because when sub-divided its entrance is in a discreet location, off King's Square on a residential street where footfall diminishes. Furthermore the building's lack of presence (as a retail unit) is exacerbated by the facade which is not commercial in character. Due to the scale of the Drill Hall it also provides a significant amount of floor space on the upper floors, which is less attractive to operators.

5.4 Although the Drill Hall forms part of the primary shopping area in the 2018 DLP, this allocation is a consequence of association with the Barnitts' premises. In isolation an alternative use for the building could be accommodated without detriment to the overall function of the primary shopping area.

5.5 The Drill Hall is on St Andrewgate which is a residential street. Residential use of the Drill Hall would be sympathetic; there is a demonstrable need for housing and this is a sustainable location, where residents can contribute to overall vitality and viability of the area. The residential use proposed does not conflict with the housing and retail policies in the NPPF, and accords with NPPF section 11 principles for making effective use of land, in particular in contributing towards meeting housing need.

IMPACT ON HERITAGE ASSETS

5.6 No.28a Colliergate and the Drill Hall are listed buildings at Grade II. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") requires that in considering whether to grant planning permission for development, which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

5.7 The site is within the Central Historic Core Conservation Area. The local planning authority has a statutory duty under section 72 of the 1990 Act to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

5.8 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset, it must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

5.9 The approach to determining planning applications, in terms of assessment on Heritage Assets, is set out in section 16 of the NPPF. The starting point is to understand the significance of the Heritage Assets affected. In considering impact, where a development proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal. Public benefits can derive from either of the social, environmental or economic objectives of the NPPF.

5.10 Publication Draft Local Plan policy D5 states “proposals affecting a Listed Building or its setting will be supported where they:

- i. preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and
- ii. help secure a sustainable future for a building at risk;
- iii. are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.

Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm its significance.

Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal”. Policy D5 conforms with section 16 of the NPPF.

Significance

5.11 The 1872 Drill Hall dates from the earliest phase of Drill Hall development (1859-80). The Drill Hall was added to the listing of 28a in 1997 to reflect the increased appreciation and understanding of the significance of this building type, recognising its special architectural and historic interest at a national level. The listing of the Drill Hall even in the light of the remodelling of the interior (as retail) could be taken as an indication of the importance of the retained legibility of the internal space.

5.12 Historic England’s ‘Introduction to Heritage Assets - Drill Halls (June 2015)’ sets out the historic development of Drill Halls in the 19th century and into the 20th century. Drill Halls originated as a building type following the formation of the Rifle Volunteer Corps in 1859.

5.13 The 1872 date for this site places it in the earliest phase of Drill Hall development (1859 - 1880). The Gothic Revival Style characterised this early period including decorative touches such as polychromatic brickwork and lancet windows. This clearly moved the special character of this building type away from a domestic appearance.

5.13 28a was originally a house, later an inn and stable yard. It became the Territorial Army office with Drill Hall in 1872. The original plan form of the house has been lost due to later uses. The staircase within 28a (proposed for demolition) is within the rear section of the building; this is a later addition, contemporary with the Drill Hall.

5.14 The buildings at rear of 28a, 28 and 27 are later C20 infills. They are a mix of single and two storey and of low significance. The single storey additions, where demolition is proposed, detract from the main buildings.

Impact on significance

DRILL HALL

5.15 The scheme involves the insertion of 8 townhouses within the building envelope. The decorative main entrance on St Andrewgate is retained and would form the communal entrance into the residential development. The side entrance and staircase beyond was the principal entrance to the upper floor of the Drill Hall and are retained. The other townhouses would be arranged around an internal open courtyard. The outer walls to the building are restored and the roof covering replaced. As part of the restoration the existing chimney is restored and a chimney to match re-instated on the opposite gable.

Plan form

5.16 The building's spatial qualities are an integral component of its significance and its understanding as a former drill hall. To accommodate residential use sub-division of the building is necessary, which causes harm to the plan form, and consequently the historic importance of the building.

5.17 Historic plans for the Drill Hall show ancillary storage, meeting rooms and offices at ground floor level. The main hall was on the upper floor, with an elevated viewing balcony positioned against the side gable wall. The buildings original layout and volume to a degree has been harmed as a consequence of later uses, however its spatial qualities remain evident, in particular in the upper section. The layout would be fundamentally altered by introducing townhouses arranged around a central courtyard.

5.18 Significant changes to the interior, and fundamental alteration to the historic plan form, are essential in order to facilitate a viable residential use. A scheme with less intervention (retaining the existing floorplates but still requiring sub-division for example) would not be viable due to the costs associated with restoration and the amount, quality and type of dwellings that would be provided.

Windows

5.19 The applicants contend that the Drill Hall windows are not original; they are thought to be contemporary with the insertion of mezzanine floors. Whilst there is not definitive evidence on the date of the current windows they do appear characteristic of the building age and type. Replacement windows are proposed that would provide improved energy efficiency, outlook and noise attenuation. The replacements would reference the buildings assumed original window form, with a circular window at the top of the arch. One example of the window type remains at the rear of the building.

5.20 The proposed windows would read as a contemporary intervention associated with the new use of the building; the design has character and visual interest. They bring the aforementioned benefits to the functionality of the building.

Roof

5.21 The roof covering is proposed to be replaced. The existing roof is post 1940's and the building previously had a central brick front gable and two groups of skylights to each side. The existing roof is of C20 origin and of low historic value; its replacement is accepted in principle.

5.22 Due to the depth of the building an internal courtyard is key to the scheme for natural light gain. The roof has historically utilized sky-lights for natural light gain. The revised scheme maintains the traditional pitched roof form. Perforated sections and roof-lights, the latter discreet due to being close to the eaves and parapet, will enable natural light and ventilation. It also omits the outside terraces from the external roofslope. The roof-lights would fold outward to form balconies; as such these have been objected to by the Conservation Architect.

The ancillary wing

5.23 The ancillary wing, which leads off the rear of the Drill Hall, would be converted into a single dwelling. This was a storage space and target range and is narrow in depth. The proposals include removal of the original staircase, so circulation is moved into the centre of the plan, allowing rooms to each side. All windows and doors would be replaced.

5.24 This building, in form, will still appear as an ancillary element of the main Drill Hall. Whilst the staircase loss is harmful, this is a low level of harm, which is essential to enabling efficient re-use of the building as a dwelling. Without the alteration an excessive amount of the space would be required for circulation.

COURTYARD BUILDING

5.25 The existing building is two-storey with dual-pitched roof attached to the back of the Drill Hall. It dates from the early C20. It has single storey buildings dating from later in the C20 which would be removed; these are not of significance.

5.26 The building would be formed into two storey dwelling. There would be contemporary detail at ground level with full height windows, timber cladding and doors with transom lights above following demolition of the single storey buildings. A passage to the side of the building would enable access via the Drill Hall to the upper floors of 28a. Top floor windows would be new also but of traditional design; timber sash with 6 panes over 6. This building is very evidently C20 and a later addition to the listed Drill Hall and 28a. Its modernization and re-use does not have an adverse effect on the significance of the main listed buildings.

28A COLLIERGATE

5.27 28a was originally a house, subsequently extended at the rear and linked into the Drill Hall building. The original means of circulation and floor plan has been lost, to accommodate the Drill Hall and later commercial use. The scheme would create a retail unit at ground level. Apartments on the upper floor would have access from the rear (via the Drill Hall). In principle these proposed uses are sympathetic to the building. The residential use helps restore original plan form in the frontage building.

5.28 For the scheme to work and to allow the ground floor retail a C19 staircase up to first floor (presumed contemporary with the introduction of the Drill Hall) would be lost. The upper floor front single glazed windows would be replaced (to achieve current standards in terms of adequate noise levels and energy efficiency). The windows have historic character, but have been subject to detrimental repair and alteration. Due to their condition in this case the proposed upgrade and installation of double glazing is acceptable rather than retention and installation of secondary glazing.

5.29 Removal of the existing stair represents a loss of historic fabric (though not original), which forms part of the building's history and therefore causes harm. The proposals also remove any direct link from the upper floors of this building to Colliergate, which harms the significance of this property through the loss of the historic connection between the house and the street.

Public benefits

5.30 In considering the impacts of the scheme the NPPF requires “great weight” to be given to conservation. “Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification”. The identified harm is regarded to be “less than substantial” in NPPF terms, although this has been placed at the upper end of such harm by Historic England and the council’s Conservation Architect. NPPF paragraph 202 states “this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. Advice from Historic England is that the scheme would only be justified if it is demonstrable a residential scheme with less harm would be unviable. Following the independent viability appraisal this is now evident; alternative schemes have been explored and they would derive significantly less value than the current scheme.

5.31 The affected buildings have accommodated very different uses over time and the public benefits in finding a new use for the Drill Hall and re-introducing residential use on the upper floors of 28a, whilst improving the environmental performance of these buildings, are deemed to outweigh the identified harm. A residential scheme, which better maintained the original volumes and openness of the interior of the Drill Hall, and was compatible with the building’s windows, would have a significant effect on the number and the quality of dwellings that could be accommodated and would not likely be viable.

AFFORDABLE HOUSING

5.32 Local affordable housing targets are set out in policy H10 of the DLP 2018. The policy, in so far as it relates to major developments, (as is the case here) carries moderate weight, being evidence based and in conformity with the NPPF. As fewer than 15 dwellings are proposed, the policy requirement is for a contribution towards off-site affordable housing. The NPPF in paragraph 65 states that when more than 10 dwellings are proposed (i.e. major developments) affordable housing provision is expected.

5.33 The background text to local policy H10 states “if agreement cannot be reached on the appropriate level of affordable housing between the Council and the developer it will be referred to the Valuation Office Agency (VOA) at the expense of the developer, to determine the viable level of affordable housing”.

5.34 The applicants provided a viability assessment to illustrate that the scheme is not viable if contributions are required towards affordable housing. Viability issues are primarily around the costs associated with re-development of the Drill Hall.

5.35 The application was deferred at Area Planning Sub-Committee in November 2020, to allow for an independent valuation of the scheme. This process has been

undertaken and the valuer also found that the scheme was not viable if an off-site affordable housing contribution were sought.

5.36 A viability review was recommended to capture actual costs and dwelling sales, noting the following -

- In determining the value of the proposed dwellings, the location and unique nature of the houses was noted, in particular the townhouses, and the lack of comparable evidence available. The houses will be to a high specification and prices continue to rise in York.
- The abnormal costs do have a significant contributing factor in respect of viability. These costs are attributed to the new substructure required and costs associated with demolition, alteration and repairs.

OTHER PLANNING OBLIGATIONS

5.39 Whilst no affordable housing provision is proposed, the developers have agreed to provide contributions towards off site open space and education in accordance with local supplementary planning guidance. The independent viability appraisal confirms the scheme can afford to make these Planning Obligations.

5.40 The open space contribution would be used towards the provision of or improvement to sport or active leisure facilities within 2km from the Development, as set out in section 3. The contribution would be £6,603.

5.41 An education contribution would be provide for 2 early year places (£36,474) and 2 primary spaces (£36,474) within the catchment area.

AMENITY

5.42 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

5.43 The Drill Hall and its attached ancillary building will create no extra volume of building and in this respect there will be no adverse effect on neighbouring amenity considering the dominance of the buildings and light gain.

5.44 St Andrewgate is a fairly narrow street, some 5 m wide typically, and buildings are directly against the pavement. The intimate relationship between buildings and enclosure of the street is part of the areas historic character. The houses opposite

the Drill Hall are around 12 m and 13 m away. The level of overlooking between buildings would be what could reasonably expected in this part of the city centre.

5.45 The adjacent houses on St Andrew Place have back gardens which are some 5 m deep and each space is overlooked by its neighbours. The proposed roof-lights can be opened to form balconies. The roof-light proposed on the St Andrew Place side of the Drill Hall would be 4 m from the common boundary. Any possible overlooking of surrounding houses, due to the angles involved and the intervening building at the boundary, would be indirectly towards upper floor windows only and are not considered to amount to grounds for refusal.

5.46 Construction works affecting boundary walls are dealt with by separate legislation; The Party Wall Act.

5.47 A noise impact assessment has been provided to assess the effect of existing uses and activity on the proposed houses. This has covered activity in King's Square, noise from the adjacent beer garden and plant and machinery in the locality. Typically double glazing is required to achieve satisfactory noise levels. The report could be used to inform conditions requiring alternative ventilation to living and bedroom windows at 28a and the building behind, this would enable compliant noise levels.

HIGHWAYS

5.48 The NPPF states that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.49 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.50 It is considered the scheme is acceptable on highways grounds, being consistent with national advice to locate development in sustainable and well-connected locations. No car parking is proposed which can be supported due to the central location and as 24 covered and secure cycle spaces would be provided within the Drill Hall (accessible to all residents).

5.51 The developer has been informed that the bollards in front of the Drill Hall will remain in-situ. These have been specifically located to enable servicing to the commercial units opposite from King's Square.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.52 The applicants planning statement advises that the development is targeting a BREEAM domestic refurbishment 'very good' rating in accordance with draft Policy CC2 of the emerging Local Plan. Conditions are proposed to secure the BREEAM requirement and 19% carbon emissions reduction requirement, required under local policy CC2.

ARCHAEOLOGY

5.53 The site is within the City Centre Area of Archaeological Importance. The NPPF states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

5.54 The scheme is for conversion and affects previously developed areas. As such a watching brief would suffice for groundworks. Given the historic interest of the Drill Hall a historic building recording would be required prior to demolition works.

6.0 CONCLUSION

6.1 The scheme involves the re-use of buildings surplus to the requirements of the current owner. The restoration and proposed alternative uses accord with the social and economic objectives of the NPPF regarding housing supply, the economy, the vitality of town centres and making effective use of land. In respect of decision-making the NPPF requires planning to support (and give substantial weight in decision-making) the development of under-used buildings, especially when this would help meet identified needs for housing. The scheme retains commercial use at the ground floor facing King's Square, within 28a, and appropriately makes more effective use of other underused parts of the site; the upper floors of 28a, the buildings behind and the Drill Hall.

6.2 It is considered that residential use is likely the only viable option to secure re-use and continued occupation of the relevant building(s). There is demonstrable local housing need. To facilitate re-use of the listed buildings, including ones which are in poor condition, and the associated social and economic benefits of the scheme would equate a public benefit that justifies the harm to the significance of

the buildings. In making the planning balance, officer's recommendation is that the benefits outweigh the identified harm, despite non-compliance with local affordable housing policy. Any residential re-use of the Drill Hall would lead to a degree of harm to the original layout. A scheme less harmful to that proposed would not be viable, given the amount of restoration work involved, and the amount and quality of accommodation provided. The loss of the staircase in 28a is necessary to enable the desired mix of uses in a functional and efficient way.

6.3 Other technical issues – amenity, sustainable design and transport can be addressed by conditions.

6.4 Independent valuation has concluded that the scheme cannot deliver an affordable housing contribution. However it acknowledges the uncertainty in this case, given the extent of construction work, the unique nature and location of the housing proposed and local housing supply and prices. The applicants have accepted a viability re-appraisal, if there is a delay in implementation of the scheme. This would ensure the value of the development remained relevant. It would be secured by the S106 legal agreement, triggered if development does not commence within 2 years of the date of approval.

7.0 RECOMMENDATION:

i That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

a. The completion of a Section 106 Agreement to secure the following planning obligations:

Education

- 2 early year places £36,474
- 2 primary spaces £36,474

Open Space

- £6,603 towards the provision of or improvement to sport or active leisure facilities within 2km from the Development

Viability Re-appraisal

- Updated appraisal should the phase of development related to the Drill Hall not be commenced within 2 years of the date of permission.

b. The conditions set out below

ii The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions

Conditions:

1 TIME2 Development start within three years

2 Approved Plans

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

Location Plan
2016-221/0806 B

Proposed floor plans and roof
2016-221 - 0200, 0201 rev G, 0202 F, 0203 F, 0205 E

Sections and elevations
2016-221 - 0210D, 0211E, 0212C, 0213C

Demolition and alterations schedule
2016-221- 0601C, 0602C, 0603C, 0605B, 0606D, 0607C, 0608C, 0609C, 0610C

Landscape Plan
0901revE

Typical Window Details
0711

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

3 Archaeology

A programme of post-determination archaeological mitigation, specifically an archaeological watching brief and excavation is required on this site.

A) No development, or phase of works shall take place until a written scheme of investigation (WSI) for a watching brief and excavation where necessary, has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development, or phase of works shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The watching brief/excavation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) above and the provision made for analysis, publication and dissemination of results and archive deposition will be secured.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF, as the site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

4 Building recording

A programme of archaeological building recording, specifically a written description and photographic recording of the Drill Hall and 28A Colliergate to Historic England Level of Recording 2 is required for this application.

A) No demolition works of a phase of works shall take place until a written scheme of investigation (WSI) for that phase has been submitted to and approved by the local planning authority in writing.

The WSI should conform to standards set by CYC and the Chartered Institute for Archaeologists.

B) The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition part (A) and the provision made for analysis, publication and dissemination of results and digital archive deposition with Archaeology Data Service will be secured.

C) A copy of a report shall be deposited with City of York Historic Environment Record and digital archive images with ADS to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF, as the buildings on this site are of archaeological interest and must be recorded prior to alteration or removal of fabric.

5 Construction management plan

Prior to commencement of any phase of development, including site enabling works,

a Construction Management Plan shall be submitted to and approved in writing by the local planning authority for the phase of works. The approved plan(s) shall be adhered to throughout the relevant construction period of the development. The plan(s) shall include the following details (where relevant for each phase of construction)-

- Dilapidation survey

A dilapidation survey of the highways adjoining the site (the extent of such to be agreed in conjunction with the council) which shall be jointly undertaken with the Council's highways department and the results of which shall be agreed in writing with the Local Planning Authority.

- Management of vehicular movements associated with construction and contractor parking.

- Measures to prevent mud and detritus getting on to the public highway.

- Measures to control the emission of noise, dust and dirt during construction. To include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and a package of mitigation measures commensurate with the risk identified in the assessment and measures to control noise during any piling of foundations.

- A scheme for recycling/disposing of waste resulting from construction works.

- Means of preventing light pollution, including the angling of lighting and times of operation.

- Point of contact on site for enquiries.

- A complaints procedure.

To detail how a contact number will be advertised to the public, and procedure once a complaint had been received. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To reasonably protect the amenity of the locality.

6 Times of construction

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays. Any working outside of the permitted hours is subject to prior approval in writing by the Local Planning Authority. (It is asked that any requests to

work outside of the permitted hours contains justification and details of practical measures to avoid noise disturbance).

Reason: To reasonably protect the amenities of adjacent residents.

7 Sustainable design / construction

Townhouses 1 to 8 (within the Drill Hall conversion) shall achieve a BREEAM domestic refurbishment 'very good' rating and a reduction in carbon emissions of at least 19% compared to the target emission rate as required under Part L of the Building Regulations 2003 unless otherwise agreed in writing with the local planning authority.

Prior to first occupation of the relevant dwelling details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Publication Draft Local Plan 2018.

8 Large scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant works and the works shall be carried out in accordance with the approved details.

Drill Hall

- New timber windows (to include typical sections at 1:5 showing mouldings/profiles of glazing bars)
- New roof, to include Skylights and aluminium roof windows and louvres shown in context and confirmation of manufacturers' details and colour for all items.

28a

- New balcony at rear

Buildings A and D / townhouses 9 and 10

- Typical details for doors, windows, dormers/roof-light and single storey addition to townhouse 9 shown in context.

Reason: In the interests of good design, visual amenity and heritage assets, in accordance with the NPPF, sections 12 and 16.

9 Materials - brickwork

Sample panel(s) of the new brickwork to be used on each building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to construction of the external walls of the relevant building. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of heritage assets, good design and visual amenity, in accordance with the NPPF sections 12 and 16.

10 Noise

Prior to first occupation of the dwellings hereby permitted a detailed scheme of noise insulation measures for protecting the approved dwellings from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with NPPF sections 12 and 15.

INFORMATIVE: The building envelope of all residential accommodation should achieve internal noise levels in living and bedrooms, as follows –

- Day-time (07:00-23:00 hrs - no greater than 35 dB LAeq (16 hour)
- Night-time (23:00-07:00 hours) - 30 dB LAeq (8 hour) and LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

Noise levels shall be demonstrated with all windows open in the habitable rooms or with alternative means of background ventilation to relevant rooms where necessary. Should alternative means of ventilation be required details shall be provided (manufacturer's details and location) to illustrate the implications for the external appearance of the building, which shall be subject to approval by the local planning authority.

11 Storage

The cycle and bin storage shall be provided in accordance with the approved floor plans prior to first occupation of the development hereby permitted and retained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of good design and promoting sustainable modes of travel in accordance with sections 12 and 9 of the NPPF.

12 Chimneys to Drill Hall

Prior to first occupation of townhouses 1-8, the Drill hall building's chimneys shall be retained and re-instated in accordance with the approved plans.

Reason: In the interests of the designated heritage assets and to secure the public benefits that justify approval of the scheme, when considered against section 16 of the NPPF.

13 LC4 Land contamination - unexpected contamination

8.0 INFORMATIVES:

Notes to Applicant

1. 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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome: requested a revised scheme to address impact on heritage assets, viability review to enable a deliverable scheme and the use of planning conditions / s106 agreement.

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