

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fishergate
Date: 26 April 2007 **Parish:** Fishergate Planning Panel

Reference: 06/02838/CAC
Application at: The Fishergate Centre 4 Fishergate York YO10 4FB
For: Demolition of non listed building in a Conservation Area
By: City Of York Council
Application Type: Conservation Area Consent
Target Date: 23 February 2007

1.0 PROPOSAL

1.1 This application relates to a two storey unlisted building of traditional brick/tile construction that fronts onto Fishergate. It dates to the early twentieth century. It lies within the Central Historic Core Conservation Area.

1.2 The application is for Conservation Area Consent to totally demolish the building to allow for the redevelopment of the site for use as a homeless persons hostel. The full planning application is currently before the Council for determination (ref: 06/02837/GRG3).

1.3 A justification statement has been submitted to support the application. This highlights the condition of the building, which has structural defects and is currently stabilised by wall ties. It contains explanation on the difficulties with retaining the building in use and the merits of the alternative proposals. The former points to the need to improve the access to the site to meet highway requirements, which would require the partial demolition of the existing structure, and the difficulties posed by the configuration of small spaces internally and costly reconfiguration of these as well as the raising of the floor level to protect it from flooding. The latter points to the improved vehicular access, more energy efficient building and raising of most of the floor level.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area New Walk / Terry Avenue 0033

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; The Mason's Arms 6 Fishergate York YO1 4AB 0994

2.2 Policies:

CYHE3

Conservation Areas

CYHE5

Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

3.1 Internal

3.1.1 Environment, Conservation, Sustainable Development

(i) Conservation

Commenting on ORIGINAL Plans:-

The building is situated within the central historic core conservation area, close to the SW boundary which is defined by the frontage buildings onto Fishergate. The front of the building steps forward of The Mason's Arms, which is a listed building, grade II. The line of buildings in this location offers strong enclosure of mainly two storeys onto the street. The majority of buildings are C19th with the cluster which turns the corner exhibiting greater variety of age and form, dating from the early C19th to 1935 (which is the recorded date of the public house).

The frontage building is considered to make a neutral to positive contribution to the conservation area, mainly as part of the group. Although the building is not typical of the area it has some intrinsic interest as an early C20th century industrial/commercial building. Nevertheless the frontage has some architectural quality and interest which includes a deep cornice, decorative brickwork around the openings, some corbelling at mid height, and small paned windows over larger openings, use of bull-nosed brickwork.

The supporting statement draws attention to the sub-standard access conditions, and the poor structural condition of the building, and the requirement to provide a change in level within this zone of the site to avoid flood risk. In addition there is the overall perceived wider community benefit of the new use. Given these factors,

support the demolition of the building subject to its replacement with a new building of sufficient merit, and the placing of a recording condition on the existing building. However, the proposed new building is a poor substitute at present, lacking in good architectural composition, legibility, detailed interest. There are also issues of material and integrity of form to structure (roof) to address.

The application cannot be supported under PPG15 4.27 - merits of the new scheme and the above issues can be addressed.

Commenting on REVISED Plans:-

Additional information accompanying the revised drawings shows that there will be a reduction in height in relation to surrounding buildings (compared with previous drwgs). The frontage building onto Fishergate would now be of a similar mass to the existing building. Elevations still lack conviction though; i.e. a more generous doorway should have been provided, and windows should be designed to suit both internal and external requirements.

Although the proposed new frontage building is of less interest than the one that it would replace, the public facades, including the front elevation, the roof and exposed gable end, would not be harmful to the character or appearance of the conservation area. When taken together with the poor structural condition of the building and the community benefit of the new use, the revisions would meet the criteria for demolition set out in PPG 15.

3.1.2 Environmental Protection

Concerns raised over contaminated land, noise and air quality. Request conditions regarding hours of demolition and contamination be attached to any consent.

3.1.3 Highway Network Management

No objections.

3.2 External

3.2.1 Fishergate Planning Panel

Object on following grounds:

- Loss of facility for business start-ups, vital because of city centre location, contrary to PPG4;
- New premises unsustainable;
- Loss would be serious blow to continuing employment in this part of York.

3.2.2 English Heritage

Commenting on ORIGINAL Plans:-

Consider the frontage of no.4 does make a contribution to the character of the conservation area and thus a statement of justification for its demolition (PPG15 para

3.19 refers) is required. The statement which accompanies the application does broadly address these issues and as such, we do not wish to oppose the demolition of the existing building.

However, PPG15 para. 4.27 advises that consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. The proposed replacement building is of poor design interest and will not make a positive contribution to the conservation area. The use of concrete roof tiles, stretcher bond brickwork and an unbroken elevation of considerable length facing the Wharf and St George's Field are all inappropriate and harmful to the appearance of the conservation area. There is scope for a replacement building of the scale and massing proposed but that the considerable sensitivity of the site (there are several listed buildings nearby and the City Walls and Fishergate Tower are across the road) requires a more sensitive design solution based on thoughtful architectural composition and traditional materials.

Urge that above issues be addressed and recommend that application be determined in accordance with national and local policy guidance and on the basis of CYC specialist conservation advice.

Commenting on REVISED Plans:-

Disappointed by the proposals and advise that considerable further amendments should be sought so that the development does not adversely affect the setting of a cluster of highly graded listed buildings, scheduled ancient monuments and the conservation area generally.

The elevations which face Fishergate have been amended to reflect the traditional materials and vernacular style of the locality. The drawings still suggest an elevation of 'engineering' quality as opposed to a vernacular feel but with conditions and control over materials, this elevation should sit comfortably with its neighbours.

However, the riverside elevation still has the potential to harm the character of the conservation area and setting of SAM and LBs. The roof in slate is an improvement and the bond of brickwork will be better integrated but the white powder coated aluminium windows will be garish and out of keeping. The top hung style and infill panels below would be highly inappropriate and the repeat of this style over 3 floors along 7 bays will stand out and be visually obtrusive. Consider that this elevation is prominent and will be read in the context of the Walls and Eye of York historic cluster and thus must attain the highest design and details. At present this elevation still fails this fundamental test.

3.2.3 Conservation Areas Advisory Panel

The panel felt that the proposed new build was not an improvement on the existing building nor did it contribute to the character of the Conservation Area. The panel therefore objected to the proposed demolition.

3.2.4 Local residents/businesses

13 letters received in response to both this and full planning application, some of which object to demolition of a distinctive building in a conservation area and to the impact on the surrounding area from the proposed development, in particular the design of the new build which is out of keeping and not sympathetic with existing premises and area. Other issues raised are more appropriately covered under the full planning application for development and reuse of the site (06/02837/GRG3).

4.0 APPRAISAL

4.1 The key issues are:

- the contribution the building makes to the conservation area;
- justification for demolition;
- the acceptability of the replacement building in terms of character and appearance.

4.2 POLICY CONTEXT

4.2.1 The relevant policy framework is set out in Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan and policies HE3 and HE5 of the City of York Draft Local Plan (incorporating 4th set of changes).

4.2.2 PPG15 states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be considered against the same broad criteria as proposals to demolish listed buildings. These criteria include: the condition of the building, its cost of repair or maintenance in relation to its importance and the value derived from this continued use; the adequacy of efforts made to retain the building in use; and, the merits of alternative proposals for the site. It is also expected that consent not be given unless it evidence is provided to show that all reasonable efforts have been made to sustain the existing uses or find new viable uses, that charitable or community ownership is not suitable, or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition.

4.2.3 In exercising conservation controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question. Account should be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and the wider effects of demolition on the surroundings and on the conservation area as a whole.

4.2.4 Structure Plan Policy E4 requires the strictest protection is afforded to buildings of special townscape, architectural or historic interest. Local Plan Policy HE3 of the Local Plan states that proposals for the demolition of a building within a conservation area will only be permitted where there is no adverse effect on the character or appearance of the area. Local Plan Policy HE5 reflects the national advice in PPG15.

4.3 CONTRIBUTION OF BUILDING

4.3.1 The building is not typical of others on the Fishergate frontage and its facade has been altered. However, it does have some intrinsic interest as an early twentieth century industrial/commercial building and retains some architectural features of quality and interest. It makes a neutral to positive contribution to the conservation area, though mainly as part of the group of two-storey frontage buildings which provide a strong enclosure to the street and therefore define the character and appearance of the conservation area at this point. English Heritage confirms this. Therefore, justification for its demolition as set out in PPG15 is required.

4.4 JUSTIFICATION FOR DEMOLITION

4.4.1 As mentioned in section 1.3, a justification statement has been submitted to support the application. It is considered that this does broadly address the issues regarding the building's condition and the cost of its repair/alteration to continue to accommodate the existing use or a new use following relocation of the existing. In light of this, the demolition of the building is supported subject to it being replaced with a building of sufficient merit that also makes a preserves or enhances the character and appearance of the conservation area.

4.5 ACCEPTABILITY OF REPLACEMENT BUILDING

4.5.1 A replacement building is proposed as part of the redevelopment of the larger site to accommodate a homeless persons hostel and resettlement facility that is to be relocated from elsewhere in the city. The full planning application is also before the Committee for determination (06/2837/GRG3). This has been subject to revision since first submitted in response to concerns raised by the Council's Conservation Officer and English Heritage.

4.5.2 English Heritage consider that the frontage elevation of this building now reflects the traditional materials and vernacular style of the locality and that, subject to conditions regarding materials, it should sit comfortably with its neighbours. However, concern remains with the building that looks out over the River Foss Basin and this is addressed in the planning application.

4.5.3 The Council's Conservation Officer considers that, whilst the new building is of less interest than that to be demolished, the public facades would not be harmful to the character or appearance of the conservation area. Therefore, when taken together with the poor structural condition of the building and the community benefit of the new use, it is considered that the scheme would meet the criteria for demolition set out in PPG 15.

5.0 CONCLUSION

5.1 The building makes a neutral to positive contribution to the Central Historic Core Conservation Area. Its demolition has been adequately justified and, following revisions, the replacement building is considered to be acceptable. Therefore, the application is supported.

5.2 However, the Council is both the applicant and land owner, and as such cannot grant itself Conservation Area Consent for the demolition of the building. therefore, if Members agree with Officers' recommendation to support the application, it will need to be referred to the Secretary of State for determination.

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 TIMEL2

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

Drawing no. 9099(2)01 'Location Plan' dated 17.11.06 and received 29.12.06;
Drawing no. (2)05 'Demolitions Plan' dated 1.11.06 and received 29.12.06;
Unnumbered floor plans received 29.12.06;

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 DEM1

4 A comprehensive photographic record comprising at least 10 no. A5 sized photographs of the building, internally and externally, and showing it in the context of the street shall be made prior to its demolition. Two copies of the record shall be submitted to the Local Planning Authority.

Reason: To ensure a record of the wall is made for historic purposes, and a public record is kept at York Archives.

7.0 INFORMATIVES:

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