

COMMITTEE REPORT

Date: 7 February 2019 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 18/01866/FULM
Application at: Club Salvation George Hudson Street York YO1 6JL
For: Conversion of first, second and third floors and erection of a roof level extension to create 19no. serviced apartments, change of use of 23 and 25 Tanner Row ground floor and basement to A3 with ancillary accommodation with conversion of ground floor of 31 George Hudson Street to amenity space for serviced apartments above.

By: Mr Brown
Application Type: Major Full Application (13 weeks)
Target Date: 11 February 2019
Recommendation: Refuse

1.0 PROPOSAL

- 1.1 Club Salvation (No 23/25 Tanner Row) comprises a Night Club dating to the early 1980s situated within a three storey brick built Victorian terrace at the junction of George Hudson Street and Tanner Row which was partially lowered in the 1950s. Adjoining the building to the south west in George Hudson Street is a development of three storey brick built shops with flats above comprising Nos 27, 29 and 31 which are Grade II Listed. Planning permission together with a parallel Listed Building Consent is sought for conversion of the Night Club and the adjacent properties into a development of serviced flats (19no.) with retail units and a restaurant cafe (A3) at ground floor level. An upper level extension to the former Night Club is proposed as part of the development.
- 1.2 The upper floors are presently in use as a series of small flats and bed sits with a single aspect. The roof level extension to 25 Tanner Row has however been amended from three storeys to a single storey with accommodation within a mansard roof above to address Conservation concerns. The proposed shop front to 25 Tanner Row has also been amended to alter its proportions in relation to the elevation above.

2.0 POLICY CONTEXT

2.1 Publication Draft City of York Local Plan (2018) Policies:-

D1 Place making

Application Reference Number: 18/01866/FULM

Item No: 4b

Page 1 of 9

D4 Conservation Areas
H10 Affordable Housing

2.2 York Development Control Local Plan (2005) Policies:

CYGP1
Design

CYH2A
Affordable Housing

CYHE2
Development in historic locations

CYHE3
Conservation Areas

3.0 CONSULTATIONS

INTERNAL:-

Public Protection:-

3.1 Raise no objection in principle to the proposal but raise concerns in respect of the poor air quality and the surrounding area and the associated impact upon the amenity of potential residents of the serviced flats. Concern is also expressed in terms of the potential impact of noise from traffic and plant associated with neighbouring shops and restaurants and odour from adjoining restaurants on the amenity of potential occupants of the serviced flats. A series of detailed conditions in respect of each issue in the event of permission being forthcoming.

Housing Services:-

3.2 Request that a commuted sum payment be made in respect of the provision of affordable housing off site in line with the Authority's adopted standards.

Design, Conservation and Sustainable Development (Archaeology):-

3.3 Raise no objection to the proposal subject to a watching brief being undertaken on works within the building basement.

Design, Conservation and Sustainable Development(Conservation):-

3.4 Object to the proposed development on the grounds that the proposed roof level extension to 23 Tanner Row would give rise to substantial harm to the character and appearance of the Conservation Area by virtue of introducing a conjectural reconstruction. The proposed replacement shop front is also opposed on the grounds that it would appear stark and visually jarring when viewed in the context of the floors above. An objection has been sustained in respect of the revised scheme with the mansard roof felt to be excessively bulky and inappropriate in appearance with a palette of materials inappropriate to the locality. The amendments to the shop front of No 25 Tanner Row are not felt to address the earlier concerns.

EXTERNAL:-

Micklegate Planning Panel:-

3.5 Raise no objection in principle to the proposal but express concerns in relation to the proposed roof level extension to 23 Tanner Row which is felt to be too high and the roof design to be inappropriate.

York Civic Trust:-

3.6 Raise no objection to the proposed roof level extension to 23 Tanner Row which is felt to restore the historic pattern of the street scene.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the character and appearance of the Central Historic Core Conservation Area;
- * Impact upon the Amenities of Prospective Occupants of the Properties;
- * Provision of Affordable Housing;
- * Highway Issues.

LOCAL PLAN:-

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

4.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 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. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CENTRAL HISTORIC CORE CONSERVATION AREA:-

4.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in exercising any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, special regard shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Where it is identified that a proposed development will give rise to harm to a heritage asset, recent case law has emphasised that this statutory requirement is in addition to the policy tests contained in the NPPF. It has also emphasised that the desirability of preserving or enhancing the character or appearance of the area should be afforded considerable importance and weight and that the over-arching "special regard" required by section 72 imposes a statutory presumption against the grant of planning permission.

4.5 BUILDING SIGNIFICANCE:- The Central Historic Core Conservation Area in the vicinity of the proposal is characterised by a mix of shop units with living accommodation above along with larger grander formally residential properties dating from the Late 18th Century onwards stretching back from the property frontages at a high pattern of density. The application site lies on a main vehicle and pedestrian thoroughfare with a mix of small scale retail, food and drink and leisure uses. Directly to the north the pattern of density and scale increases with a number of office developments and a hotel dating from the 20th Century.

4.6 THE PROPOSAL:- The proposal as submitted envisaged the construction of a three storey extension to resemble that which formerly existed prior to partial demolition in the 1950s. The ground floor would be occupied by a mix of retail units with serviced apartments (19no) above with a reconstruction of the former shop front to No 25. The scheme has subsequently been amended to reduce the scale of the accommodation from three storeys to a single additional storey with further accommodation incorporated into a mansard roof above. The amendment was sought to address Conservation concerns in respect of the scale of the proposed

extension and its impact upon the character and appearance of the Conservation Area. The treatment of the shop front to 25 Tanner Row has also been amended to alter its proportions in relation to the elevation above. Further exclusively internal works are proposed in respect of Nos 27-31 George Hudson Street in order to facilitate the conversion of the upper floors of the properties to serviced apartments.

4.7 ASSESSMENT OF IMPACT:- Central Government Planning Policy as outlined in paragraph 193 of the NPPF indicates that when considering the impact of a development on the significance of a Designated Heritage Asset then great weight should be given to the asset's conservation. This applies irrespective of whether substantial harm, total loss or less than substantial harm occurs. Paragraph 196 indicates that in the case of less than substantial harm to the significance of a Designated Heritage Asset then any harm should be weighed against the public benefit that would be generated by the proposal. At the same time Policy D4 of the Publication Draft City of York Local Plan (2018) indicates that within Conservation Areas development would be supported where they are designed to preserve and enhance the character and significance of the Conservation Area, respect its important views and are accompanied by an appropriate evidence based assessment of the special qualities of the Conservation Area and its contribution towards them.

4.8 The wider proposal for conversion of the former Night Club and associated properties into serviced apartments with retail units and a restaurant/cafe below has been justified on the basis that the proposal would result in the removal of unsympathetic external alterations which caused to the character and appearance of the Conservation Area by earlier. The initial proposal incorporated a three storey roof level extension to the corner property on the basis of it being a reasonable approximation of its pre-1950 appearance. However, it would have appeared highly unbalanced and visually jarring particularly in views from Tanner Row to the east and also looking north along George Hudson Street.

4.9 The scheme has subsequently been amended to reduce the scale of the roof level extension to a single storey with accommodation within a mansard roof above. The additional storey is acceptable in principle however it has not proved possible to derive an acceptable solution in terms of the mansard roof which is disproportionate in its form. The roof appears excessively bulky and angular in its appearance. The submitted drawings indicate the use of a profile metal roof rather than a conventional slate which would be the most appropriate material in the local context. It would therefore appear highly alien and visually jarring in middle and longer distance views within the Conservation Area, The dormer windows as proposed also appear too tall in relation to their width and sit too far in front of the plane of the roof as a consequence of which they would also appear unduly prominent in the wider street scene. At the same time the proposed shop front for 23/25 Tanner Row appears unduly plain and simple and would visually jar with the architectural quality

of the facade above. The amended scheme is similarly inappropriate in terms of its proportions relative to the elevation above.

4.10 It is felt that the proposal would result in less than substantial harm to the character and appearance of the Conservation Area. The reinstatement of the contribution of the corner properties to the visual amenity of the wider street scene and their wider contribution to the character of the Conservation Area has been put forward by the applicant as a public benefit to balance the harm. However, it is felt that the jarring relationship of the proposed shop front to the upper levels of 25 Tanner Row and the poor relationship of the proposed mansard roof and associated dormer windows to its wider surroundings would have a significant harmful impact upon the character and appearance of the Conservation Area and the requirements of paragraph 196 of the NPPF and Policy D4 of the Publication Draft City of York Local Plan would not be complied with.

IMPACT UPON THE AMENITIES OF PROSPECTIVE OCCUPANTS OF THE PROPERTIES:-

4.11 Central Government Planning Policy as outlined in paragraph 127 f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future users. At the same time Policy D1 (Place making) of the Publication Draft City of York Local Plan (2018) indicates that planning decisions should safeguard the residential amenity of all new and existing occupants of development.

4.12 The upper floors of No's 27-31 Tanner Row are presently in use as a mix of small flats and bed sits following the earlier pattern of usage as residential accommodation associated with the shops below. George Hudson Street in the direct vicinity is a major thoroughfare for both traffic and pedestrians for much of the day with high levels of vehicle related noise and poor air quality. At the same time the rear of the properties face directly on to a well used multi-storey car park and the kitchen extraction outlet for a neighbouring restaurant. Public protection have offered no objections to the proposal subject to a number of conditions including details of an acceptable form of ventilation (a mechanical ventilation). This however would need to be provided from the rear of the properties which may give rise to harm to the significance of the Listed Building complex the nature of which would need to be further assessed when details are submitted. It is considered given the existing residential units at the site and the city centre nature of the site that the proposal subject to conditions is acceptable in terms of amenities of future residents in this instance.

PROVISION OF AFFORDABLE HOUSING:-

4.13 The proposal seeks the provision of 19 one and two bedroom serviced apartments on the upper floors of Nos 27-31 George Hudson Street and 23/25

Tanner Row. Serviced apartments fall within the Class C3 General Housing Use Class if capable of long term residential use . Policy H10 of the Publication Draft City of York Local Plan indicates that with developments above the level of the adopted threshold in respect of general open market housing then either a commuted sum contribution is payable or fixed rate of on-site provision is required in respect of affordable housing. In the case of urban brown field developments the rate of provision would be at a rate of 15% on developments of 5 to 10 units and 20% above that level. It is noted that the applicant has indicated a willingness to accept a condition attached to any planning permission restricting occupation of each apartment to a maximum period of 28 days in any one year. Notwithstanding that, the application is for a form of Use Class C3 (General Housing) which would attract the need for a financial contribution to secure compliance with Policy H10 of the Publication Draft Local Plan. However, this has not been requested as the proposal is being recommended for refusal by virtue of the harm it would cause to the character and appearance of the Conservation Area.

HIGHWAY ISSUES:-

4.14 The application site lies within the inner Urban Area at the edge of the City Centre and has no on site parking. The Adopted Car Parking Standards (2005) indicate a required standard of one space per unit. There is no scope to accommodate any vehicle parking on site and therefore the requirement would be secured by means of a commuted sum payment secured by Section 106 Agreement, attached to any planning permission to secure provision elsewhere in the near vicinity, at the rate of £3,000 per space. Similarly in terms of cycle parking, there is no existing formal provision on site and the nature and layout of the site means that it would be extremely difficult to make the necessary provision within the development. The requirement of one space per unit would be secured by commuted payment at the rate of £300 per space by means of a commuted sum secured by Section 106 Agreement. The delivery arrangements to the site would remain unchanged from the existing situation.

5.0 CONCLUSION

5.1 Club Salvation (No 23/25 Tanner Row) comprises a Night Club dating to the early 1980s situated within a three storey brick built Victorian terrace at the junction of George Hudson Street and Tanner Row which was partially lowered in the 1950s. Adjoining the building to the south west in George Hudson Street is a development of three storey brick built shops with flats above comprising Nos 27, 29 and 31 which are Grade II Listed . Planning permission together with a parallel Listed Building Consent is sought for conversion of the Night Club and the adjacent properties into a development of serviced flats with retail units and a restaurant cafe at ground floor level. An upper level extension to the former Night Club is proposed as part of the development. It is felt that the proposed upper level mansard extension would not be appropriate and would be harmful to the character of the

Conservation Area by virtue of its excessive bulk, angular appearance and inappropriate material. At the same time the proposed shop front to 25 Tanner Row even as amended would also be harmful to the character and appearance of the Conservation Area by virtue of the jarring juxtaposition with the highly decorative frontage above. As a consequence the proposal would not comply with the requirements of paragraphs 193 and 196 of the NPPF and is unacceptable in planning terms. It is therefore recommended that planning permission be withheld.

6.0 RECOMMENDATION: Refuse

1 The proposed mansard roof with associated dormers by virtue of its inappropriate material and bulky, overly angular appearance would erode the contribution of the wider group to the character and appearance of the Central Historic Core Conservation Area, notably in short and middle distance views within the surrounding streetscape. As such it is considered that the proposals would lead to less than substantial harm to the designated heritage asset and that there are no identified public benefits that would outweigh this harm. Thus the proposal conflicts with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fails to comply with guidance for heritage assets contained within the National Planning Policy Framework, (paragraphs 193 and 196), Policy D4 (Conservation Areas) of the Publication Draft York Local Plan 2018

2 The proposed shop front to 25 Tanner Row would give rise to visually jarring and wholly alien relationship between the ground floor treatment to the property and the highly decorative facade above which is fundamental to the contribution of the wider group to the character and appearance of the Central Historic Core Conservation Area. As such it is considered that the proposals would lead to less than substantial harm to the designated heritage asset and that there are no identified public benefits that would outweigh this harm. Thus the proposal conflicts with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and fails to comply with guidance for heritage assets contained within the National Planning Policy Framework, (paragraphs 193 and 196), Policy D4 (Conservation Areas) of the Publication Draft York Local Plan 2018.

7.0 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:

Application Reference Number: 18/01866/FULM

Item No: 4b

Sought the amendment of the design to the roof top extension to Nos 23 and 25 Tanner Row to lessen its impact upon the character and appearance of the Central Historic Core Conservation Area.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

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