

COMMITTEE REPORT

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

Reference: 18/01867/LBC
Application at: Club Salvation George Hudson Street York YO1 6JL

For: Internal alterations to Nos 27-31 George Hudson Street involving the removal of existing partitions and the installation of new partitions and doorways to enable conversion of the properties to serviced apartments.

By: Mr Brown
Application Type: Listed Building Consent
Target Date: 11 February 2019
Recommendation: Refuse

1.0 PROPOSAL

1.1 Club Salvation 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. The Night Club occupies the ground and first floors with a manager's flat and ancillary offices above. 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 and in the same ownership. The entrance to the night club lies partially within the ground floor of No 31. Listed Building Consent is sought for conversion of the adjacent properties in George Hudson Street into a development of serviced flats with retail units and a restaurant cafe at ground floor level as part of a wider conversion scheme incorporating the Night Club itself. The Night Club itself is unlisted and a parallel planning application ref:- 18/01866/FULM is considered on the current agenda for the entire scheme.

1.2 The detail of the scheme has been in part amended to address Conservation concerns to reduce the level of internal alteration.

2.0 POLICY CONTEXT

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

D5 Listed Buildings

2.2 York Development Control Local Plan (2005) Policies:

Application Reference Number: 18/01867/LBC

Item No: 4c

CYHE2

Development in historic locations

CYHE4

Listed Buildings

CYHE3

Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development(Conservation)

3.1 Object to the proposal. Notably it is identified that whilst the proposal seeks to secure the contribution of the complex of buildings to the character and significance of the Central Historic Core Conservation Area, similar improvements can be achieved by simply keeping the buildings in good decorative order without giving rise to any harm to the Listed elements of the complex of buildings. The overall effect would be the loss of the original plan form of the upper floors and the historic value embodied in the plan form, in addition to the loss of primary fabric. This would harm the character of the building as one of special architectural or historic interest

Objection is sustained in respect of the revised scheme which it is felt would still result in an unacceptable loss of plan form and character in respect of each building.

EXTERNAL:-

Micklegate Planning Panel

3.2 Were consulted with regard to the proposal on 6th September 2018. Comments have been forthcoming in respect of the associated full planning application which raises no objection in principle to the change of use of the wider complex.

York Civic Trust

3.3 Raise no objection to the proposed external alterations and extensions to 23/25 Tanner Row which would reinstate the contribution of both buildings to the visual amenity of the wider street scene, objection is however raised to the proposed internal works to Nos 27-31 George Hudson Street which would lead to the loss of important historic fabric from the interior without clear justification.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

* Impact upon the Historic Character and Significance of the Listed Buildings.

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 HISTORIC CHARACTER AND SIGNIFICANCE OF THE LISTED BUILDINGS:-

4.4 Section 16(2) of the 1990 Planning(Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Central Government Planning Policy as outlined in paragraph 192 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including

their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness. Policy D5 of the Publication Draft Local Plan is of particular relevance in this context. This indicates support for proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained.

4.5 BUILDING SIGNIFICANCE:- Nos 27, 29 and 31 George Hudson Street comprises a development of three storey brick built shops with dwellings built above to a simplified Georgian form circa 1860. Their special interest arises from their simple form and group value as integral shop units with living accommodation for the shop owner above with the survival on upper floors of original features including partitions on the upper floors with the result that the historic plan form largely remains.

4.6 THE PROPOSAL:- The proposal envisages the removal and replacement of existing historic partitions on the first and second floors with Modern screens to achieve Modern fire safety standards. The staircase to the second floor which again survives from the original construction would also be altered to remove a dog leg element. The works are justified on the basis of a need to comply with Modern Building and Fire Safety Regulations in terms of fire separation and the provision of shower rooms.

4.7 ASSESSMENT OF IMPACT:- The proposal envisages a re-organisation of the existing internal layout to create a development of serviced apartments that would be used as short term, primarily holiday lets. The total number of flats would remain unaltered however (which is), characteristic internal fabric would be removed and the new partitions would sit awkwardly in respect of the retained stacks and fire places. The significance of the buildings in terms of their survival as mid 19th Century shop units with integral living accommodation would therefore be irrevocably diminished. Central Government Planning Policy in terms of Listed Building Control as outlined in paragraph 193 of the NPPF indicates that when considering the impact of a development upon the significance of a Designated Heritage Asset then great weight should be afforded that asset's conservation with the more important the asset the greater the weight should be. The requirement occurs irrespective of the level of harm identified. Paragraph 189 of the Framework at the same time indicates that in determining applications Local Planning Authorities should require an applicant to describe the significance of Heritage Assets affected.

4.8 The applicant has not submitted a sufficiently detailed examination as to how the significance of the Listed Buildings would be affected by the proposal and has not explored alternatives as to how the proposed sub-division could be achieved without giving rise to the likely level of harm. Indeed in response to the Conservation

concerns the applicant indicates that the published List description does not make reference to internal features and that there is no evidence of an internal assessment of the buildings having been made. The published List description other than in specific circumstances is not exhaustive and the submitted plan form is clearly indicative of a high degree of surviving historic internal fabric. The necessary assessment of the impact of the proposal upon the significance of the building complex has not been undertaken and neither has an assessment of less harmful alternatives which may achieve the same result in terms of the conversion. The submitted amendments indicate a lesser degree of intervention required however the historic plan form of each building would still be unacceptably disrupted and their character harmed.

4.9 It is felt that the proposal would give rise to less than substantial harm to the character and significance of the Listed Buildings in the context of paragraph 196 of the NPPF. A public benefit has been advanced in terms of the treatment of the adjacent Night Club relative to the visual amenity of the street scene. However it is felt that this does not balance the harm identified to the interior of the buildings.

4.10 The proposal is unacceptable in terms of its impact upon the character and significance of the Listed Building and the requirements of paragraphs 189 and 193 of the NPPF along with the statutory duty within Section 16 of the 1990 Act can not be met.

5.0 CONCLUSION

5.1 Club Salvation comprises a Night Club dating to the early 1980s situated within a three storey brick built Victorian terrace .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 . Listed Building Consent is sought for conversion of the adjacent properties into a development of serviced flats with retail units and a restaurant cafe at ground floor level as part of a wider scheme incorporating the Night Club.

5.2 The proposal can be identified as giving rise to less than substantial harm to the significance of the Listed properties in terms of the nature of the internal works. No public benefit has however been put forward in order to balance the harm, no consideration has been given to less harm full alternatives and no detailed analysis has been undertaken in respect of the impact of the proposal upon significance of the buildings. Amendments have been made to the internal layout which do not address earlier Conservation concerns in terms of impact upon the significance of the group. Giving appropriate weight to the conservation of the buildings the development does not comply with the requirements of paragraphs 193 and 196 of the NPPF and does not allow for the compliance with the statutory duty in respect of

securing the special interest of the buildings incorporated in Section 16 of the 1990 Act refusal is therefore recommended.

6.0 RECOMMENDATION: Refuse

1. The proposals would result in an erosion of the historic plan form and internal physical relationship of the complex of buildings. The removal of historic partitions and door ways and the introduction of new partitions and doorways which bear no relationship to the historic patterns of use or the retained chimneys stacks and stair cases; would result in a loss of legibility of the historic interiors to the detriment of their significance as examples of integrated shop units with associated living accommodation above. 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 16(2) 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 D5 (Listed Buildings) of the Publication Draft York Local Plan 2018 .

Contact details:

Author: Erik Matthews, Development Management Officer

Tel No: (01904) 551416