

## COMMITTEE REPORT

**Date:** 07 April 2016                      **Ward:** Guildhall  
**Team:** Major and                              **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 15/02834/LBC  
**Application at:** Groves Chapel Union Terrace York YO31 7WS  
**For:** Internal and external alterations in association with change of use of existing building to form convenience store at ground floor, 2no. flats at first floor and erection of four storey extension to rear to accommodate 14no. flats with associated car and cycle parking  
**By:** Clarence Union Developments  
**Application Type:** Listed Building Consent  
**Target Date:** 8 April 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Listed Building Consent is sought for alterations in connection with the proposed conversion of the Chapel to a retail store.

1.2 It is proposed to convert the ground floor of the chapel buildings into a convenience store, the upper floor of the former "school rooms" would become two apartments, and a new 4-storey plus attic extension containing 14 apartments would be linked to the rear following demolition of the 1950s extension. The gallery of the chapel would be "moth-balled".

1.3 A separate planning application has been submitted to address the non-Listed Building Consent issues and will be considered at sub-committee.

### 2.0 POLICY CONTEXT

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

## **Draft York Local Plan (2014) Publication Draft**

2.2 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant draft policies include:

Policy D5: Listed buildings

Policy D9: City of York Historic Environment Record

## **The City of York Draft Local Plan Incorporating the Fourth Set of Changes approved for Development Management purposes in April 2005**

2.3 Whilst the 2005 York Draft Local Plan 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. The relevant draft policies applicable to this application include:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Listed Buildings: Groves Chapel Grade 11

2.4 Policies:

CYHE4 Listed Buildings

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### **Planning and Environmental Management (Conservation Architect)**

3.1 The building is under-occupied and it will shortly become vacant and therefore be 'at risk'. It is in a poor state of repair and the interior has suffered from ad-hoc alterations and removal of fixtures. This particular building type is limited in its scope for conversion or reuse, and there are few options likely to generate sufficient finance for repair and continued upkeep. The mixed retail and residential scheme proposed would sustain the significance of the heritage asset and put it to viable use consistent with its conservation. It would preserve the important characteristics of the building that remain, and as such there would be no further adverse effect on the special architectural and historic interest of the building.

3.2 By reintroducing the entrance in its natural position under the portico facing the street, in a repaired and redecorated frontage, there would be a huge improvement to the building's appearance.

3.3 Due to the low return on the chapel spaces and the extent of repair required, the linked new build element is necessary to subsidize the whole scheme. Its location and design would respect the separate identity and principal views of the chapel buildings.

## **EXTERNAL**

### **Historic England**

3.4 No comments to make.

### **Conservation Areas Advisory Panel**

3.5 Support the scheme. The constraints relating to the work which would be acceptable to the Chapel itself were explained resulting in the decision to locate the small supermarket at ground floor level beneath a reversible protecting structure at balcony level. This structure would allow maintenance access to the upper areas within the chapel.

3.6 The proposal also included the retention of the former schoolroom (with the demolition of a later, possibly 1950s, addition) and the provision of a new residential block.

3.7 The Panel welcomed the scheme in general and the work to the Chapel itself in particular and looked forward to the building being restored.

### **Publicity and Neighbour Notification**

3.8 Neighbours were consulted on 24 December 2015. A site notice was erected on 15 January 2016.

3.9 Three letters have been received referencing the listed building consent application number, though issues relating to the conversion are touched upon by others in regard to the full application. A representative of the Hope Centre has written to object and has included letters from 21 people opposed to the conversion works proposed by the applicant. The content of the individual letters are included and summarised within the full application.

3.10 The concerns raised by residents in respect to the actual parameters of the Listed Building Consent application are that:

- The proposal does not restore the building. The proposal will harm it. There are uses such as worship which could fully restore the chapel. Church and community groups can not compete with commercial interests, but if commercial uses are deemed unacceptable church and community groups may have the ability to restore the chapel. Options to restore the chapel as a community resource should be explored.

- The works may safeguard the upper floor of the chapel, but it will be hidden away.

## **4.0 APPRAISAL**

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

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

4.2 Section 16 requires the Local Planning Authority when determining Listed Building Consent applications for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3 Case law has made clear that when deciding whether harm was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of consent in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building.

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

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

4.6 Paragraph 132 states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. . Caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duty imposed on the Local Planning Authority by Section 16 of the 1990 Act.

4.7 The existing building is in a poor state of repair. It has not been used as a chapel since the early 1970's and has been partly subdivided internally to create office and storage. The changes that have taken place are crude in form and the building is generally underused. The building provides a poor working environment as office space and should it become vacant the listed building would be at risk, given the condition of the roof and exterior.

4.8 The proposed internal and external changes to the building are considered to be sensitive given the constraints of the building's form and its poor condition. It is considered that there are few viable options in terms of delivering a proposal that allows for the repair and upkeep of the building in a way that sustains the significance of the heritage asset.

4.9 The developer's originally sought to create apartments within the gallery level of the chapel area. However, this was discouraged as it was considered essential to retain this as one space. The developer as a result has proposed to make the space water tight and 'moth-ball it'. Moth-balling is a last resort but enables the space to be inspected, viewed and opened up should the opportunity arise.

4.10 In the light of the poor condition of the building and the less than sensitive internal alterations that have taken place over that last 40 years it is not considered that the proposed scheme would in the context cause harm to the heritage asset. It is noted that the exterior of the chapel will be sensitively repaired.

4.11 The rear extension is modern in form though has a degree of harmony in terms of scale, fenestration and materials. It is considered that the proposed flats and the associated linking structure appear sufficiently visually separate to the chapel building to not undermine key views of the building.

4.12 It is considered that the proposals taken as a whole and within the context of the internal and external condition of the building would have a neutral impact on the special historic and architectural interest of the listed building. In considering this, regard is given to the fact that the moth-balling of the gallery is reversible.

4.13 It is noted that the Hope Centre has set out a vision for re-using the building as a place of worship and community centre and that objectors have stated that there is a demand for more community meeting space in the local area. It is unclear if the building were renovated for a community and/or religious use whether it would result in a better scheme in respect to the impact on the listed building. However, it is not considered that the issue of whether alternative uses for the building exist, or whether they are viable, needs exploring when considering the merits of the submitted Listed Building Consent application. This is because it is considered that the scheme as proposed by the applicants does not conflict with advice in the NPPF regarding conserving and enhancing heritage assets.

## 5.0 CONCLUSION

5.1 The proposals would secure a long term use for the chapel building. This is central to ensuring it retains a landmark building. The building has much deteriorated over recent decades and has been subject to a number of insensitive internal alterations. The proposals are comprehensive and re-model the interior of the building. They do however, respect its general form.

5.2 It is considered that the works whilst creating a new long term use for the building have an overall neutral impact on its special historic and architectural character.

## 6.0 RECOMMENDATION: Approve

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

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

Site plan 1134\_AR10\_01 (revision A) dated 06/02/2015.

Drainage drawing 4648 dwg no.500 (revision D) prepared by Ward Cole dated 09/02/2016.

Proposed ground and first floor plans 1134\_AR20\_01'B' received by the Local Planning Authority on 24 February 2015.

Proposed second and third floor plans 1134\_AR20\_02 received by the Local Planning Authority on 11 December 2015.

Proposed fourth floor plan 1134\_AR20\_03 received by the Local Planning Authority on 11 December 2015.

Proposed elevations 1134\_AR30\_01 received by the Local Planning Authority on 11 December 2015.

Proposed section A-A and detail 01 1134\_AR40\_01 received by the Local Planning Authority on 11 December 2015.

Proposed section B-B and detail 02 1134\_AR40\_03 received by the Local Planning Authority on 11 December 2015.

Proposed south elevation 1134\_AR50\_01 received by the Local Planning Authority on 11 December 2015.

School room secondary glazing 1134\_DT10\_01 received by the Local Planning Authority on 11 December 2015.

Porch Ramp Plan 1134\_EW10\_01 received by the Local Planning Authority on 11 December 2015.

Porch steps and ramp 1134\_EW10\_02 received by the Local Planning Authority on 11 December 2015.

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

3 Large scale details (1:20, 1:5 as appropriate) of the following shall be submitted to and agreed in writing by the Local Planning Authority prior to their erection/construction:

Existing building:

- a) Main entrance doors (subject to enlarged fan-light).
- b) New delivery and staff entrance door into retail store.
- c) Details of how vents would be formed in the end wall.

New building and link:

- d) A typical window bay of the external elevation of the new apartment block showing the modelling and details of the facade, including the integration of vents.
- e) Full details of the linking entrance.
- f) Details of all windows and doors, including manufacturer's literature
- g) Typical dormer to be provided within the mansard.
- h) Sheet metal material roofing with standing seams for the roof covering.
- h) Metal security screen within the car park.

Whole site:

- i) The specification of landscape (hard and soft).
- j) Adaptations to the external wall onto Union Terrace including the retention of the gate and gate-piers and the new gate

k) External lighting.

The works shall be completed in accordance with the agreed details.

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

4 Notwithstanding the details provided any service equipment mounted externally shall be hidden from public view.

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

5 Notwithstanding the details provided of the new entrance ramp at the front entrance of the chapel, details of a new open type balustrade shall be submitted to and agreed in writing by the Local Planning Authority prior to its erection/construction.

The works shall be completed in accordance with the agreed details.

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

6 Prior to any alterations to the original chapel or school house a schedule of repair shall be provided to clearly show how repairs to the building will be carried out. The repairs works shall be completed in accordance with the agreed details prior to the occupation of the building.

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

7 A level 2 photographic survey in accordance with guidance set out in Understanding Historic Buildings a guide to good recording practice Historic England Feb 2006 shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition works.

Reason: To record appropriate features of the Listed Building.

8 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their erection or installation. The development shall be carried out using the approved materials.



Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

9 A sample panel of the brickwork to be used on this 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 their erection or installation . This panel 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: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **Contact details:**

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