

COMMITTEE REPORT

Date: 9 November 2017 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 17/01469/LBC
Application at: The Falcon Tap 94 Micklegate York YO1 6JX
For: Internal works relating to retained ground floor public house and alterations to upper floors to form 2no. flats. Demolition of two storey rear extension and erection of replacement extension to accommodate external stair and entrance canopy.
By: 2 Pubs Ltd
Application Type: Listed Building Consent
Target Date: 9 October 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 Listed Building Consent is sought for internal alterations associated with the renovation of the upper floors of 94 Micklegate to accommodate a one bed flat and a three bed flat and for external alterations to comprise the demolition of the existing rear two storey single bay offshoot and its replacement with a new external stair and entrance canopy.

1.2 The ground floor and rear buildings of 94 Micklegate are presently in use as the Falcon Tap Public House. The upper floors of the building have been in residential use but are now vacant and in a poor state of repair. The site has a long backland plot which extends to Toft Green on which there are existing buildings and structures comprising modern extensions and a two storey boiler housing dating from the late 19th Century.

1.3 94 Micklegate is a Grade II listed building constructed circa 1842, located at the northern end of Micklegate within the Central Historic Core Conservation Area. The listed building has aesthetic, design value externally, and internally for the architectural decoration, including the bar and first floor front room, the staircase surviving six panel door and all surviving chimney pieces, fire surrounds and skirtings where present. It has historical illustrative value, linking aspects of life from the 19th century with the present, deriving from the plan form, treatment of the various rooms both architecturally and spatially, and the visibility of the historic fabric, and communal value as an inn and then public house, the use in which the building has effectively been since the mid-19th century. The significance of the building is as a public house or inn of early to mid-19th century date, occupying the site of an earlier inn, on a major historic route within the city walls.

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1.4 The associated planning application, referenced 17/01468/FULM, seeks permission for the above internal and external alterations and also includes the proposal to redevelop the backland plot through the construction of two residential blocks providing a total of 9 No. one bed flats. The existing building and structures to the rear would be demolished.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Listed Buildings GMS Constraints: Grade 2 Star; 92 Micklegate York YO1 1JX 0146

Listed Buildings GMS Constraints: Grade 2; 94 Micklegate York YO1 1JX 0148

Listed Buildings GMS Constraints: Grade 2; 96 Micklegate York YO1 1JX 0149

2.2 DCLP Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Planning And Environmental Management (Design And Conservation)

Original Scheme

3.1 The proposed alteration results in harm to the character of the building as one of special architectural or historic interest. The degree of harm is less than substantial, but is not balanced or outweighed by the public benefit which would derive from returning the upper floor to a viable use. Whilst the application indicates that the ground floor will remain in use as a public house, annotations on the drawings, the lack of toilets and lack of clear separation from the residential floors above do not appear to convincingly support this assertion.

Further Comments

3.2 With regard to the interior of the listed building, a number of the issues raised in the earlier response have been addressed but further matters have come to light which require addressing prior to the application being determined such as the addition of a roof light at third floor, the inclusion of an annotation indicating insulating lining of the front walls and a vent to be taken through the roof. In the event that these issues can be successfully addressed to the satisfaction of the local

planning authority, DCSD may then be able to support the principle of the development

Third set of comments

3.3 The errors and omission appear to have been corrected.

EXTERNAL

Micklegate Planning Panel

3.4 We welcome the retention of the historic pub. The Falcon is one of the oldest former coach houses on Micklegate and the previous owner of the Tap had a number of options re viability of the space and to retain the pub is important. Noise and sound insulation for residents living above is crucial for amenity though. Residents will welcome the change for the back usage.

Publicity

3.5 The application was publicised by site notice, press notice and letters of neighbour notification.

3.6 York Conservation Trust (Neighbour to application site) commented to the original submission as follows;

Object for the following reasons because of the impact it will have on their property at 92 Micklegate.

(i) The height of the proposed apartment block to the rear of the site is inappropriate and overly dominating.

(ii) The proposed glass block windows to the west elevation will look institutional and are not appropriate in this setting. We respectfully ask no windows are built on to our boundary.

(iii) The proposal will see the demolition of our boundary wall, we have only recently repaired this wall and re-pointed it with hot lime mortar and it is a valued part of our property. No justification for the demolition of this wall have been provided and we would expect this to be protected as part of the curtilage of our listed building.

3.7 A letter of support has been received supporting that the retention of the old-established pub and the refurbishment of this Listed Building and commenting that the new build sections are in-keeping with the Listed Building / Conservation Area.

4.0 APPRAISAL

4.1 Key Issues

- Impact on special architectural and historic importance of the listed building

POLICY CONTEXT

4.2 Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for any works the local planning authority shall 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 The NPPF seeks to conserve and enhance the historic environment. Paragraph 126 states that Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

4.4 The National Planning Policy Framework (NPPF) Chapter 12, Paragraph 132 states that considering the impact of a 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.

4.5 The NPPF, Chapter 12, Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. When determining the application in line with paras 131 - 135 consideration should be given to the significance of the heritage asset.

4.6 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF. Local Plan Policy HE4 advises that consent will only be granted for internal or external alterations to listed buildings where there is no adverse effect on the character, appearance or setting of the building.

THE PROPOSALS

4.7 The proposed scheme retains the pub at the ground floor of 94 Micklegate and incorporates the renovation of its upper floors to accommodate a one bed flat and a three bed flat. Also proposed is the demolition of the existing rear two storey single bay offshoot and its replacement with a new external stair and entrance canopy.

Residential - Upper Floors

4.8 The upper floor accommodation would be reconfigured to provide a 1 bedroomed apartment on the first floor and a three bedroomed apartment at the second floor and attic. There would be relatively limited alteration to wall positions, insertion of wall partitions and fire separation, alteration to openings and the installation of new bathrooms and kitchens. The floors of both the first and second floors would be fitted with sound proofing insulation. At second floor, it is proposed to fit the landing with a compartment wall and ceiling to provide adequate fire and sound separation. The revised proposals reflect the comments provided by the Council's Conservation Officer as detailed at paragraph's 3.1 to 3.3 with any remaining outstanding issues able to be addressed through conditions.

4.9 The proposed alterations are relatively limited and whilst there would be a degree of harm to the special interest of the building deriving from the formation of two new openings and the creation of a fire lobby at second floor and the subdivision of a rear room at third floor to form a bathroom and wardrobe, the degree of harm is low and "less than substantial". The degree of harm is balanced by the potential public benefit of encouraging the use of the upper floors.

Rear Extension and Stair Access

4.10 Further to the removal of the existing rear extension, a single storey brick flat roofed extension is proposed to the rear of the property for use by the pub. It would incorporate a fire exit door to the yard and customer toilets with accesses from the covered passageway and the pub. A new stair access is proposed adjacent and over the rear extension to first floor level to provide access to the upper floor flats. Revised plans of the rear extension have been submitted in response to comments provided by the Council's Conservation Officer.

4.11 The existing rear extension would appear to be a later adaptation of a 19th century closet wing, which is considered to add a layer of interest to the building. Its removal would result in a degree of harm to the special interest of the building. The degree of harm however is considered to be low and "less than substantial". The proposed rear extension, by replicating the narrow, mono-pitched form of the existing, is considered to be sympathetic to the character and appearance of the property. The sympathetic design of the extension and the consideration that the removal of the existing two storey extension is necessary to facilitate provision of a new entrance to the upper floors and essential ancillary facilities to allow viable

retention of the ground floor public house, is considered to balance the degree of harm which would result from its removal.

5.0 CONCLUSION

5.1 There would be a degree of harm to the special interest of the building deriving from the removal of the existing rear extension and from the formation of two new openings and the creation of a fire lobby at second floor and the subdivision of a rear room at third floor to form a bathroom. The degree of harm however is low and "less than substantial". Having attached considerable importance and weight to the desirability of avoiding such harm it is considered that the degree of harm is balanced by the public benefit of encouraging the use of the upper floors and allowing the viable retention of the ground floor public house. The proposal is therefore considered to accord with the provisions of policy HE4 and guidance contained within the National Planning Policy Framework.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME L2 Development start within 3 yrs (LBC/CAC)

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

Drawing No's;

001 Rev P01 (Location Plan)

104 Rev P09 (Proposed Site Plan with Context)

105 Rev P07 (Proposed Site Plan)

110 Rev P11 (Proposed Basement and Ground Floor)

114 Rev P03 (Proposed Basement and Ground Floor)

111 Rev P11 (Proposed First Floor)

112 Rev P10 (Proposed Second Floor)

115 Rev ** (Proposed First and Second Floor)

113 Rev P10 (Proposed Third Floor)

116 Rev ** (Proposed Third Floor)

134 Rev P01 (Stair Section)

130 Rev P08 (Proposed Elevations 1 of 4)

131 Rev P07 (Proposed Elevations 2 of 4)

132 Rev P09 (Proposed Elevations 3 of 4)

133 Rev P08 (Proposed Elevations 4 of 4)

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

3 Prior to the commencement of development, a full photographic schedule of the internal doors on all floors in the 19th Century building shall be undertaken. The position of the doors shall be marked up on floor plans, and proposed upgrading indicated.

Reason: To retain a record of those items that are to be removed in order to retain details of the special interest of the building.

4 Prior to the commencement of development, a full photographic record of the fire places on all floors shall be undertaken and their locations specified. The photographs should be of a resolution sufficient for the detail of, inter alia, surrounds and grates to be seen clearly.

Reason: To retain a record of those items that are to be removed in order to retain details of the special interest of the building.

5 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 the commencement of the construction of the development. 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.

6 A sample panel of the brickwork to be used on this building measuring at least 1m x1m 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 the construction of the walls of the development. This panel shall be maintained during the course of construction. The approved development shall be completed in accordance with the approved sample(s).

NB: More than 1 sample panel will be required due to more than one type of brick being proposed.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the brickwork prior to the construction of the walls in view of the sensitive location of the site.

7 Notwithstanding the annotation on Dwg No: 112 Rev P10 (Proposed Second Floor) which indicates the replacement of the floor structure, prior to any work to the floor structure being undertaken, full details of the proposed works shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character of the listed building.

8 Full details of the design, scale, material and location of all external vents and flues shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

NB This condition applies to both the listed building and the new build blocks. Only unobtrusive locations will be agreed. The applicant is advised that the vent cover for the listed building as proposed in the 25.10.17 drawings is acceptable but further detail relating to location is required.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building and its setting within the conservation area.

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

(i) Prior to the manufacture and installation of the secondary glazing in the listed building: 1:10 elevation drawings and part cross section drawings of proposed secondary glazing to listed building, at 1:5 illustrating inter alia, existing windows, secondary glazing, and existing sills, architraves and mouldings where present, and proposed method of draught proofing of existing windows.

(ii) Cross section through windows in proposed new build taken through opening to include head and sills at 1:5 and all external doors in situ to include any fanlights and door head at 1:10

(iii) For new door to rear of listed building: Part cross section at 1:5 illustrating door head, door frame and fanlight

(iv) Cross section through eaves and wall head and part elevation at 1:2 to illustrate dentil corbel wall head and roof eaves detail

(v) Cross section through string part wall and string course at 1:2

(vi) Cross section through eaves, verge and ridge of replacement mono-pitch rear entrance structure at 1:2

(vii) Cross section for coping for stair enclosure wall at rear of listed building at 1:5

(viii) Horizontal cross section through door openings between stair landing and habitable rooms on 2nd floor, drawing ref. 112 P10, illustrating inter alia, architraves, doors and fire/sound insulation at 1:5

(viv) Elevation drawing at 1:5 illustrating new balustrade to second floor landing including details of fixing into existing balustrade

(x) Illustrative cross section through floor structure showing proposed noise and fire upgrading in retained existing structure

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building.

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