

COMMITTEE REPORT

Date: 05/09/19
Team: Major and Commercial Team
Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 19/00837/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 facilitate conversion of the properties to serviced apartments
By: Mr Brown
Application Type: Listed Building Consent
Target Date: 9 September 2019
Recommendation: Approve

1.0 PROPOSAL

Application Site

1.1 The application site comprises a series of existing multi storey buildings located adjacent to the junction of George Hudson Street and Tanner Row; the site is occupied by a number of land uses including a night club, retail premises and resident units. 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.

1.2 To the rear of the application site is a multi storey car park.

Proposals

1.3 Listed Building Consent, together with a parallel application for Planning Permission (19/00836/FULM) is sought for the conversion of the first, second and third floors and a roof level extension to create 17 no serviced apartments (C1 Use), the change of use of No.23 and 25 Tanner Row at ground floor and basement levels to form a restaurant (Class A3) with ancillary accommodation along with the change of use ground floor and basement to 31 George Hudson Street to form amenity space for the serviced apartments.

1.4 This current application is a resubmission of a previously withdrawn scheme (18/01867/LBC). The earlier scheme was withdrawn by the applicant as a result of

Officer concerns with regard impact the proposals would have had upon the Listed Building and the loss of historic fabric that the proposals would have resulted in.

1.5 In seeking to address the concerns raised in the earlier application this current proposal has amended the design of the proposed roof which has resulted in a reduction in to number of proposed apartments (previously 19.no) and a reduction in the number of proposed dormer windows (previously 7.no).

2.0 POLICY CONTEXT

2.1 Publication Draft City of York Local Plan (2018)
D4 Conservation Areas

2.2 York Development Control Local Plan (2005)
CYGP1 Design
CYHE2 Development in Historic Locations
CYHE3 Conservation Areas

2.3 National
National Planning Policy Framework (NPPF) (2019)
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

3.0 CONSULTATIONS

3.1 The application has been advertised via Site Notice, Local Press Notice and by. The advertisement period expired on 3rd July 2019.

3.2 INTERNAL:
Design, Conservation and Sustainable Design (Conservation): No objections subject to conditions.

3.3 EXTERNAL:
Mickelgate Planning Panel: No comments or representations have been received.

3.4 No representations, comments or objections have been received from neighbours, members of the public or interested third parties.

4.0 APPRAISAL

Key Considerations

- Impact upon the Historic Character and Significance of the Listed Buildings

LOCAL PLAN

4.1 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.

4.2 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

4.3 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.

4.4 Nos 27, 29 and 31 George Hudson Street comprises a development of three storey brick built shops with dwellings above built 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.

4.5 In contrast to the previously withdrawn scheme these current proposals utilise more of the existing historic plan layout of the Listed Building. Some works are still proposed which will see an existing rear elevation opening blocked up and removed

and the new internal partitions that are proposed will be scribed around existing features of the building.

4.6 On the ground floor of No.31, the opening that would be in-filled is a modern opening and at the same time the rear portion of this floor would be portioned off to form a refuse area. This floor has been gutted and consequently introducing the partition does not harm the significance of the building. And the closing of the modern opening in effect reinstates the original form.

4.7 On the first and second floors, only minor changes to some kitchen and bathroom layouts are indicated. On the third floor of No's 27 and 31 partitions would be inserted to form a lobby for fire separation and to provide bathrooms. Given the low status of these spaces the alterations would not result in any harm to the significance of the assets.

4.8 Given the above the Conservation Officer has not raised any objections to the proposals. They have however noted that it will be necessary to ensure that the routing of services and ventilation is handled sensitively (precluding any venting through the front elevation or roof slope). As a result of this it will be necessary in the event of granting Listed Buildings Consent to condition that details of service routings within the building be submitted to and approved in writing by the LPA.

4.9 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 proposals in contrast to the previously withdrawn scheme result in a scheme which is considered to sit more comfortably within the fabric of the existing building and retain the existing historic character and fabric with features such as chimney stacks and fireplaces retained.

4.10 The submitted Design and Access statement has referenced the inclusion of secondary glazing within the scheme. However no precise details of such works have been submitted and the works are not included on the submitted drawings. Therefore such works are not considered to form part of the proposals and have not been assessed. Should the developer wish to undertake such works in the future it would require the benefit of Listed Buildings Consent in their own right.

4.11 The significance of the buildings in terms of their survival as mid 19th Century shop units with integral living accommodation would therefore be conserved. 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.

5.0 CONCLUSION

5.1 The proposals would result in conversion of the first, second and third floors and a roof level extension to create 17 no serviced apartments (C1 Use), the change of use of No.23 and 25 Tanner Row at ground floor and basement levels to form a restaurant (Class A3) with ancillary accommodation along with the change of use ground floor and basement to 31 George Hudson Street to form amenity space for the serviced apartments.

5.2 The proposed works to the Listed Buildings are, within the context of the development as whole; which included non listed buildings, relatively minor in their nature. The works consist of new partitioning of the internal space and the closing up of a non historic opening. Overall it is considered that these works do not give rise to significant levels of harm being caused to the overall character, setting and amenity of the Listed Building. It is therefore recommended that Listed Building Consent be granted.

COMMITTEE TO VISIT

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 and other submitted details:-

Existing and Proposed Ground Floor Plans - Drawing No. 210 Rev P00

Existing and Proposed First Floor Plans - Drawing No. 211 Rev P00

Existing and Proposed Second Floor Plans - Drawing No. 212 Rev P00

Existing and Proposed Third Floor Plans - Drawing No. 213 Rev P00

Proposed Section - Drawing No. 141 Rev P00

Proposed Section - Drawing No. 140 Rev P00

Proposed Elevations - Drawing No. 131 Rev P00

Proposed Elevations - Drawing No. 130 Rev P00

Proposed Roof Plan - Drawing No.120 Rev P00

Proposed Basement Floor Plan - Drawing No.109 Rev P00

Proposed Ground Floor Plan - Drawing No. 110 Rev P00

Proposed First Floor Plan - Drawing No. 111 Rev P00

Proposed Second Floor Plan - Drawing No. 112 Rev P00

Proposed Third Floor Plan - Drawing No.113 Rev P00

Proposed Fourth Floor Floor Plan 25 Tanner Row accessed from third floor 23 Tanner Row - Drawing No. 113.5 Rev P00

Proposed Fourth Floor Plan - Drawing No. 114 Rev P00

Proposed Demolition Basement Floor Plan - Drawing No. 049 Rev P00
Proposed Demolition Ground Floor Plan - Drawing No. 050 Rev P00
Proposed Demolition First Floor Plan - Drawing No. 051 Rev P00
Proposed Demolition Second Floor Plan - Drawing No. 052 Rev P00
Proposed Demolition Third Floor Plan - Drawing No. 053 Rev P00
Proposed Demolition Fourth Floor Plan - Drawing No. 054 Rev P00

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 intrusive construction works full details of all drainage and other service runs including locations and trunking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details prior to the development being first brought into use.

Reason: To safeguard the architectural and historic interest of the listed building.

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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Author: Mark Baldry Development Management Officer

Tel No: 01904 552877